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Seat rents brought to the
test of Scripture, law,

# SEAT RENTS

BROUGHT TO THE

# TEST OF SCRIPTURE, LAW, REASON, AND EXPERIENCE;

OR, THE

## SPIRITUAL RIGHTS OF THE PEOPLE OF SCOTLAND

VINDICATED AGAINST

## MODERN USURPATIONS,

BOTH WITHIN AND WITHOUT THE ESTABLISHMENT;

WITH

## A SPECIAL EXPLANATION OF THE CASE OF EDINBURGH,

AND

## AN APPENDIX,

CONTAINING EXTRACTS FROM THE RECORDS OF KIRK-SESSIONS AND OTHER CHURCH COURTS, IN REGARD TO THE ALLOCATION OF SEATS IN THE ANCIENT FREE CHURCHES OF SCOTLAND.

BY THE REV. JAMES BEGG, A. M.,
MINISTER OF THE PARISH OF LIBERTON.

"Take these things hence: make not my Father's house an house of merchandise."—
JOHN ii. 16.

"The rich and the poor meet together; the Lord is the Maker of them all."—
PROV. xvii. 2.

**Second Thousand.**

EDINBURGH:
JOHN JOHNSTONE, HUNTER SQUARE,
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*Lately Published, Price Sixpence, by the same Author,*

THE ANTIQUITY OF CHURCH EXTENSION; with the Methods by which it was Promoted by the Church of Scotland, nearly Two Hundred Years ago; interspersed with Remarks adapted to the present time. With an Appendix.

Printed by JOHN JOHNSTONE, Hunter Square, Edinburgh.

TO

ALL WHO LOVE THE GOOD OLD WAY OF OUR ANCESTORS,

AND ARE

LABOURING IN THE GLORIOUS CAUSE

OF THE

UNIVERSAL CHRISTIAN INSTRUCTION OF THE PEOPLE OF SCOTLAND,

THIS TREATISE

IS INSCRIBED,

WITH SENTIMENTS OF PROFOUND ESTEEM,

BY

THE AUTHOR.

# PREFACE.

THE design of the Author of this pamphlet is, if possible, to call more attention to a question about which much ignorance and misapprehension undoubtedly exist, but which lies at the very foundation of many of the controversies of the present day, and of the success of the Assembly's Church Extension Scheme. So profound is the ignorance which reigns on this subject, that we find not only many of the Church people in towns totally unacquainted with it, but the "Church Commissioners" asking the country ministers to state how many seats are let in their churches! and how many are set apart *for the poor!* as if it were a matter of course that such an odious and illegal practice prevailed, and that the poor were stigmatised by being placed in a corner by themselves! Nay, we find Lord Melbourne making the following extraordinary and startling assertion, and founding on it an argument, and a pretty plausible argument were the assertion true, against endowments. "In the first place," his Lordship is reported to have said in the House of Lords, March 30, 1838, "there *must be* NO FREE SITTINGS. *The ministers of the Church did not like them, the congregations did not like them.* They were contrary to the feelings, the habits, and the prejudices of those who wanted seats in the churches. *If free sittings were admitted, then it might fairly be argued that Government was bound to provide them for every body.* But there was no ground for such an argument when *it was proved that no person would occupy those sittings.*" Now the whole of this misunderstanding arises from confounding *free* sittings with *pauper* sittings. To receive seats for nothing *because we are poor*, when all the rest of the congregation are paying for them, and thus to have our poverty

branded with a stigma before our neighbours, is certainly what no one likes; but for rich and poor to meet together on the same terms, and enjoy the Gospel without money, as the inhabitants of a mountain glen equally enjoy the free and pure stream of their native hills, is undoubtedly a blessing which can only be undervalued by those who know not and have never experienced what it is. The remarks of Dr Ferrie of Kilconquhar on this subject are most sound and true, (Assembly's Report on Church Extension 1838, p. 66.) "It is the reverse of the truth to assert that there is an unwillingness on the part of the people of Scotland to have seats in the churches without paying for them. The people are in general so impressed with the belief that they are entitled to have the Gospel without money and without price in the Churches of the Establishment, that *they look upon it as reducing them to the level of the Dissenters to exact seat rents.*" So true is this, that a thorough denunciation of seat rents from the pulpit of every parish church in Scotland, in town or country, would do more to make all the people understand our object than ten thousand abstract arguments. And the day on which their utter extinction is proclaimed, will announce the downfall of all associations against the Church of Scotland, and rally thousands in defence of our sacred institutions. Indeed it is a mere farce to speak of "the poor man's Church" and of *parochial* ministers, so long as the people of their parishes cannot all be invited to come in.

It is truly painful to see some of the ministers of our city parishes, not merely blind to the importance of all this, but actually aiding and abetting the continuation and increase of the present horrid evils. Of course there are many splendid exceptions, amongst which we cannot forbear, in addition to the name of the Rev. Mr Guthrie, to mention that of the Rev. Alexander Clark of Inverness, who is nearly single-handed, setting the noble example of erecting a church, the seats of which are to be nearly, if not entirely, free. But in Kilmarnock, where there was a grand opportunity of having a free church, which would soon have cured the evil of seat rents in the other two, the endowment has in effect been handed over to mercenary speculators; and in Stirling, as if there was not in the whole town

Christianity enough to induce the people to build the mere walls of only one House of God, and hand it over as the free inheritance of the people, the endowment being secured already, some miserable peddling calculations are produced, and the clergy are overjoyed; whilst at Greenside, in Edinburgh, the people both erect the church and endow the minister, and yet the magistrates are to be allowed to exact seat rents! It is surely high time that the Church of Scotland were speaking out, and whilst she is asking for more endowments, giving decided proof that she is a faithful steward, for the sake of the poor, of the endowments she already has.

One practical reason why seat rents prevail, is, no doubt, besides the ignorance of the people, the inadequacy of the accommodation. Besides expounding clearly the truth to the people, and boldly resisting and denouncing seat rents, if the clergy, instead of having small crowded churches in any case, would secure sufficient elbow room every where, the market for seats would fall, and the evil perhaps expire of its own accord. Any improvements with regard to patronage without such a security will only increase the evil.

The simple object at which we aim is, that the Gospel may be so preached and so brought to every man's door, that every man shall be quite sure to hear it before he passes into eternity; and further, that the people shall not only be exempted from payment, but from the legal obligations connected with unendowed churches. The debts connected with meeting-houses in Glasgow alone, amount to nearly £90,000, proving not merely that Voluntaryism has there exhausted both its money and its credit, though increasing multitudes of the people are still abandoned to heathenism, but giving fearful indication of the crash which under the plausible pretext of "the privilege of paying" is likely one day to overwhelm the seatholders. Our anxious desire is to set the people individually entirely free from payment and obligations of every kind, except in so far as the love of Christ shall constrain them freely to give for the advancement of his cause.

Two classes of men will perhaps dislike this doctrine, although, even amongst both, we trust that candid and honest advocates

of it will be found. We mean the *unendowed* ministers in the Church and out of it. Those *within* the Church will say, "get us our endowment first and then speak of abolishing seat rents." To which we answer that the doctrine here maintained, if put in force, will tend powerfully to bring about an endowment, and that nothing else will. So long as men see endowments made the *means of increasing seat rents*, as is the case at present, the *best endowed churches being the highest rented*, so long endowments will be with many misunderstood, and unpopular. Eighteen thousand free seats in Edinburgh, *as the consequence of an endowment*, would operate like a charm in clearing up the whole mystery. Those without the Church, on the other hand, who do not wish an endowment, must, if they are consistent, abolish seat rents. It is a farce to speak of the Voluntary system, so long as no Christianity is preached till the money of the people is secured and in the treasurer's chest. The ancient method of receiving voluntary contributions is thus described :—"But Jehoiada the priest *took a chest, and bored a hole in the lid of it, and set it beside the altar, on the right side as one cometh into the House of the Lord:* and the priests that kept the door put therein all the money that was brought into the House of the Lord."—2 Kings xii. 9. Let our friends go and do likewise.

J. B.

Liberton Manse,
*Oct.* 25, 1838.

*P. S.*—In quoting in this pamphlet from old records, I have altered the spelling so as not to repel a modern reader.

# INTRODUCTION.

ALTHOUGH in discussing the subject of seat rents we are, of course, in danger of offending interested persons, who traffic in such merchandise, it is one of the highest duties of all Christian ministers to beat down and remove all obstructions in the way of the advancing truth of God—one of the most sacred duties of the ministers of the Church of Scotland to reform her from every abuse by which the design of her establishment is frustrated, and her usefulness impeded.

All Churchmen, who have taken any part in the recent controversy, or who have even been intelligent spectators of it, must be thoroughly convinced that, in so far as mere theory is concerned, the argument for an establishment of religion has been in all its parts triumphant. Still something is visibly required to make the theory and the practice agree. Whilst in country parishes, where all the seats are free, the people have at once understood the argument, it is quite clear, that in towns, and wherever seat rents prevail, the mass of the people, guided more by their sight and feeling than by abstract considerations, listen with a strange incredulity to the man who sets forth an Established Church as the special inheritance of the poor. He has always seen it chiefly in the possession of the rich. Instead of associating a free Gospel with an endowed clergy, he associates the highest seat rents with the best endowments, because, in practice, he has always found it so, and the rumour of what takes place at a distance cannot efface the impression of what takes place before his eyes. The Church of Scotland must, in all the fulness of its equipment and privileges, be carried into all our cities. It is vain to urge upon the people the fact that man cares not, by nature, for Christianity, but requires

to have it urged upon his acceptance by every inducement; that even when this natural resistance is overcome, and a man is anxious to attend the House of God every Sabbath, and carry his children with him, he must, if he be poor, be admitted for little or nothing, else he must remain at home; and therefore, that it is necessary, and a work of true Christian patriotism, to have the ministers of the Gospel supported, and the churches built from other sources, that the poor of the land may enjoy freely these inestimable privileges. All this is, no doubt, most conclusive reasoning, but when the poor man turns round to the actual existing Establishment in all our large cities, and finds, that instead of thus bearing up against human repugnance, and thrusting the Gospel on the acceptance of the unwilling, even the willing are not permitted to hear the Gospel unless they come with a price in their hands, and generally a higher price than is demanded for Christianity where there is no Establishment—when he sees before his eyes the poor all driven from the House of God, or forced into such seats as the rich will not buy—when he sees them forced to skulk as intruders into the House of God, and that in the very centre and head quarters of the Establishment, and where the highest endowments prevail; not only is the whole force of our speculative reasoning destroyed, but he regards our argument as something like an insult, inasmuch as we give proof that we know what the nature of a church for the poor should be, whilst we do not endeavour to secure such a church for him, by driving these buyers and sellers out of the temple. Seat rents, as they exist in Edinburgh, Glasgow, Paisley, Perth, Dundee, and all our towns, are most unquestionably regarded by the mass of the people as the practical refutation of all our arguments for an Established Church. If we could only succeed in making the Gospel as free and universal as the light of day in all our great cities, in taking down the odious inscription which these spiritual traffickers have put over the door of God's House, and setting wide the gate, put up the glorious inscriptions of the Bible, "he that hath no money, let him come," "whosoever *will*, let him come and take of the water of life freely," then should we clear away at once the mist from the eyes of all men

not wilfully blind, and the Church of Scotland would become more dear than ever to all the people, "the highest, as not beyond her reach; the poorest, as not beneath her care." We hope to convince impartial persons, that nothing will do but the utter extirpation of the evil of which we complain—cheapening the seat rents will not avail. Scripture, Reason, Experience, and the Law of the Land, we apprehend, all cry aloud for their complete removal. There is no sound principle by which to vindicate a Church Establishment, which will not lead to the conclusion that seat rents are a glaring evil; and the only way to cure such a master abuse, is not to palter with it, but boldly to lay the axe to its root. Besides, it has ever been found that where seats have been made the subject of merchandise, they have risen gradually, in spite of every remonstrance, to their natural value in the market—the greater efficiency of the ministers has only quickened the sale, and increased the price—the parochial system has been thrown into confusion, and the poor have only been admitted where the rich had refused to buy. But now for the proof.

Our proposition then, is, that the total extinction of seat rents ought to be aimed at as essential to a right Church Establishment. And, for the sake of clearness, we shall consider the subject with separate reference to Scripture, Law, Reason, and Experience.

# SEAT RENTS, &c.

## CHAPTER I.

### SEAT RENTS BROUGHT TO THE TEST OF SCRIPTURE.

We are most anxious, in the *first* place, to base our argument on clear principles of Scripture; for the grand inquiry for all Christian Churches ought to be, "What saith the Lord?" Does Scripture, then, give us any principle, warranting the imposition of a tax upon the public worship of God, like that which we call seat rents? This is the question. Now it is quite clear from Scripture, that although the Gospel is to man of inestimable value, proclaiming present peace and everlasting joy, man, by nature, is utterly opposed to the reception of the Divine message; and just in proportion as he sinks in sin, and therefore in need of pardon, does this enmity increase. He will look with hatred upon the messengers of truth, instead of paying for their support; and never, until he is brought out of darkness into the marvellous light of the Gospel, will he have the least idea of the duty and privilege of honouring the Lord with his substance and the first fruits of all his increase. Therefore, to put a tax on the public worship of God,—to make the payment of money an essential prerequisite to hearing the Gospel, must clearly frustrate the design of Christ; for men, instead of overleaping such a barrier, will rather say to God, "Depart from us, we desire not the knowledge of thy ways." They must be followed with earnest persuasion by the Gospel minister; and, instead of creating new barriers, those existing in man by nature, must, if possible, be removed. Hence we find every part of Scripture in exact accordance with these fixed principles; and many warnings, that all men, not merely the rich and willing, but the poor and the outcast, who, in this day of Gospel merchandise, are excluded from the house of prayer by arrogant men, are the objects of God's regard, and equally included in Christ's invitation.

I. There is a series of texts clearly proving that the proclamation of the Gospel was intended to be quite free,—as free as the circulation of the air of heaven,—as free as the water which flows from the everlasting hills. Let us refer to a few of these. In the 68th Psalm, we find the sacred writer referring to the triumphs of Christ, in ascending amidst the chariots of God, leading captivity captive, and receiving gifts for men,—to the showers of blessing which were to refresh God's heritage when it was weary, and to the great company of them that were to proclaim God's Word,—and exclaiming, "O God, thou hast prepared of thy goodness for *the poor*." The meaning of this was not, undoubtedly, that the rich were to be excluded from the blessings of the Gospel,—for they equally stand in need of salvation,—and the souls of all are precious in the sight of Christ; but in this world of selfishness and traffic, it was foreseen that the poor might be excluded from the blessings of the Gospel, and the rich, because possessed of the glories of the present world, might endeavour to monopolise all the glories of the next.

Now, let us wander over the mountains and glens of Scotland on a Sabbath-day,—let us enter the houses of prayer that adorn and sanctify our country hamlets, and there, undoubtedly, we shall find the poor, and the poorest of the poor, sitting in the House of God, and clustering around the pulpit of the minister of truth; but, enter our crowded cities, go where the public worship of God is taxed, and you will find that the poor have been scared away from the glad tidings of great joy. This, then, we say is flagrantly unscriptural.

If we advance in the sacred writings, we shall find still clearer intimations of the designs of God in regard to the free proclamation of the Gospel. "Ho! every one that thirsteth, come ye to the waters," says Isaiah; and, as if anticipating the present times, and for the very purpose of excluding the idea that payment must previously be made, he adds, "he that hath *no money*, let him come,"—nay, he repeats and reiterates the invitation, so as to make it appear tautological,—"come, buy wine and milk, *without money* and *without price*." Now, I just appeal to any man of common sense, whether one irresistible inference from these words is not, that, under the Gospel dispensation, the temples of God, where his Gospel was to be preached, were to be free? It is vain to evade the force of this conclusion, by saying that the meaning was, that the blessings of salvation themselves were to be free to all. This is, no doubt, a most precious truth here stated; but these blessings are only given to those who believe in Christ to the saving of their souls. And, "how shall men believe on him of whom they do not hear?"

To ask men to take spiritual blessings, and yet exclude them from the means by which alone they can receive them, implies a contradiction. If this, then, be the inevitable conclusion, it is just as clear, that a system which cannot make such an invitation in honest truth,—which places a whole series of toll-bars between the people and a preached Gospel, instead of making an open highway to the altar of God,—cannot be in conformity with Scripture. Let it be garnished over with fair pretences,—let paying be called the high and peculiar privilege of the people, to rob them of which were to rob them of their birthright,—let the ministers speak of reposing with delight on the contributions of their people, and the magistrates declare that they shall continue their unholy gains,—the whole matter resolves itself into this :—The Bible says, " He that hath no money, let him come." The language of this system is, " He that hath no money, let him not come ;"—the minister must be supported,—the various expenses connected with the meeting-house must be defrayed,—the interest of the debt must be paid, and the debt itself, if possible, liquidated, and we have none to look to for all this but the people themselves,—if any seats are given for nothing, let it be as few as possible, and let it be done as privately as possible, lest the infection of the example should spread, and we be ruined. Or, if the evil has sprung up within the Establishment, it is still more gross and glaring, since the very object for which a church has been established in the land, and is upheld by heritors and magistrates, is, that the Gospel may be preached in all its freeness, and that the poor and the rich may meet on the very same terms to worship the Lord, the Maker of them all.

If from the Old Testament we proceed to the New, you will find the same truth asserted and reiterated with equal clearness. We beg to call your particular attention to that remarkable statement made by our Saviour to the disciples of John, as recorded in Matth. xi. 5. After referring to the many wonderful works which he did as the evidence of his being the true Messiah, he brings up the climax with this remarkable statement,—" The poor have the Gospel preached unto them." This peculiarity of the Gospel was very striking, as contrasted with all the systems of heathenism. Under them, no peculiar advantages were conferred upon the poor,—nay, the realms of glory, as well as the blessings of time, were supposed to be reserved chiefly for the warriors and the great men of this world. He that had " no money," could neither enjoy any peculiar privilege here, nor after death have his soul ferried across into the regions

of Elysium. But this was the outstanding peculiarity of the Gospel, that it dealt with all men as the possessors of immortal souls, and was equally to be proclaimed to the poor and the rich, since "with God there is no respect of persons." But this is not all. Our Saviour clearly gave this striking fact as an evidence of his divine mission, and it was to remain such an evidence till the end of time. All the other facts to which our Saviour referred have ceased to be witnessed; but this was never to cease. If, therefore, now that we have no miracles to which to appeal, it is found that, in our supineness, we have suffered this grand crowning evidence to be destroyed,—if the mammon of unrighteousness hath completely driven from our temples the poor, and the halt, and the lame, and we see nothing but buying and selling, pride and vanity, the gold ring, and the goodly apparel,—how shall we meet the infidel without shame in the gate? how shall we account to Him who sent us? And yet, so long as the system of selling the Gospel for money prevails, the poor, who have no money, and the careless, who will give none, must either be excluded, or admitted by sufferance and stealth to those privileges, which have been expressly made over to them by Him who made heaven and earth.

We humbly think, also, that it is quite impossible to give a literal fulfilment to the commands of Christ often reiterated, or to have any just idea of his kingdom as described by himself, unless we endeavour to make free to all the access to the House of God. Does not our Saviour command all his ministers to "Go into all the world and preach the Gospel to every creature." This command is not addressed merely to those who preach in foreign lands, as we, in these days, are apt to suppose, but to every minister of the Gospel. And as Christ had foretold, that the poor should be always with us, it is quite clear that it was his intention that every one of them should be included in the scope of this message. Any plan, therefore, which makes money an essential prerequisite to hearing the Gospel, seems clearly to thwart the design of Christ, for many of the poor have no money to give, and the careless, whether rich or poor, will give none. Nay, does not Christ make the promise of being with his Church till the end of the world, depend, in some measure, upon the performance of this her duty. "Go and teach all nations; and, lo, I am with you always, even to the end of the world." Matt. xxviii. 19, 30. We mean not that this promise shall ever fail, but that, as a professing Church of Christ, we are entitled to expect its fulfilment, just in proportion as we give evidence that we are the true servants of Christ by performing his will,

which we do not perform, if we only preach the Gospel shut up within churches from which the poor are debarred. Again, can any man suppose, that when Christ fed the thousands indiscriminately with loaves and fishes, he did not intend to set forth a lively emblem of the universal and indiscriminate proclamation of the Gospel without any pecuniary qualification? When he was followed by crowds of publicans and sinners, whom, so far from repelling by a demand for money, he declared to be the persons above all others to whom he came to preach, and by many miracles attracted to his ministry, does any one suppose that this was not intended to be an emblem of His Church in all ages? When Christ tells us, if we make a feast, (Luke xiv. 12,) to call in the poor, and the halt, and the maimed, and the blind; and this because the poor cannot recompense us, is not this what he himself has done, and commanded us to do in regard to that great feast which he has prepared for the otherwise perishing children of men? If his example and precept are to guide us, the question is settled at once. For is it not clear from what follows, (ver. 21,) that the glorious Redeemer intended his servants to "go out into the streets and lanes of the city, and bring in the poor, and the maimed, and the halt, and the blind;" nay, (ver. 23,) to "go out into the highways and hedges, and compel them to come in that his house might be filled?" Will any man gravely pretend that this, or any thing approaching to this, is done when the House of God is set up to the highest bidder, or, indeed, when any price at all is demanded from all who hear the Gospel? When free access to the sanctuary is entirely prohibited, or granted only in a stigmatised and pauper corner? When the hands of the minister are so tied up, that he cannot, if he would, ask the poor to come in? When the rich scorn to sit beside the poor to worship the Maker of both, and a token from Mammon is the only passport to the Temple of Christ? I ask any man of common sense to say, whether any thing like our Saviour's picture can be realised in such circumstances, or whether multitudes of those who now "stand all the day idle," may not take up an accusation against us all, and give as their excuse, "Because no man hath hired us." Matt. xx. 7. Not for high seat rents, nor even *cheaply*, but "*freely* ye have received, *freely* give," is the command of Christ.

I hasten, however, to conclude this series of texts, by asserting, not only that all Scripture breathes the same spirit, but that at the very conclusion of the sacred volume we find the same truth reiterated, "The Spirit and the Bride say, Come, .... whosoever *will*, let him come and take the water of life

freely." Again, we ask, whether it is possible to write this inscription over any church groaning under the burden of oppressive seat rents? Something more than *will* is required now, to procure admission into the places where the mysteries of Christ are dispensed. There must be the golden or silver key to open the door.

Before proceeding farther, let me just ask you to consider the amount of our argument. God, who made man, has given him a right to hear the invitations of all his servants, although he be the poorest of the poor, but man has interposed to prevent. God, who built up the heavens, has given the halt, and the maimed, and the blind, a free invitation to his house, but man pretends to sell the right for money. God has prepared of his goodness for the poor; Christ sends his Gospel to the poor, but man interposes his barriers of silver and gold, over which the poor cannot climb. The Scripture says, "He that hath no money, let him come;" man says, "He that hath no money, let him not presume to cross the threshold of the House of God."

II. We find the apostles of our Lord literally obeying their Master's command, and preaching to the people "without money and without price."

It appears, that from the very first, the apostles, besides sometimes labouring with their own hands, had means by which to secure their support, independently of any tax on the public worship of God. Many of those that were converted sold their possessions, and brought the money and laid it at the apostles' feet. A fund was thus secured, of precisely the same nature with what is now called an endowment, in consequence of which the apostles were enabled to give themselves wholly to prayer and the ministry of the Word. Indeed, the very circumstances of the case made any thing approaching to seat rents impossible. They preached often under the canopy of heaven, in the chief places of concourse, and so far from not preaching the Gospel to any who would not pay for it, we find them proceeding boldly into all the strongholds of sin and heathenism, though every where "bonds and imprisonments awaited them." Paul often refers to his unwillingness to take any man's gold, and silver, and apparel, telling the believers, that he worked with his own hands, or received money from other churches, that he might preach the Gospel freely to those who had not previously heard it, and that he rather wrought as a tent-maker than imposed a burden upon any man.

A whole crowd of errors have been promulgated on this sub-

ject, and therefore we beg to it your particular attention. Men speak as if it were sinful for a minister to live in any way except by the contributions of his people. Paul tells us expressly, that he lived in many other ways, sometimes by his own labour, sometimes upon what the men of Macedonia supplied, and that he expressly avoided taking any thing from the people amongst whom he laboured, "lest he should hinder the Gospel of Christ." Of course, therefore, such an idea must be delusive. Men speak as if it were felt to be "a privilege," by the mass of an ordinary congregation, to be made to pay for the support of a minister. Paul tells us expressly, in consistency alike with Christianity and common sense, that it is "a burden;" and if it was a burden to maintain the eloquent and holy apostle, to part with whom all the elders of Ephesus "wept sore," will any man pretend that it is not so in the case of all other men? Men speak as if it would be sinful to receive aid from a Christian government, for the purpose of relieving the people from the burden of supporting Christian ministers; nay, some of them seem to say, that it is better that loads of debt should rest on the House of God, and on the shoulders of the people, than that the kings of the earth should bring their glory and power into the Church of Christ, to promote its universal triumph. On the other hand, it is quite clear that the sacred writers rejoice when such a thing is put into the king's heart as to promote the interests of the House of God, and thus relieve the people of that burden, and secure more effectually the object in view; whilst Paul gathered money from a distance, or lived by the labour of his hands, for the very purpose that he might literally obey his Master's command, and be able to say, "We seek not yours, but you,"—"whosoever will, let him take of the water of life freely."

It is quite vain to quote, in defence of the present system of merchandise, the statements of the apostle Paul to the Corinthians, 1 Epist. chap. ix. ver. 10, "If we have sown unto you spiritual things, is it a great thing if we shall reap your carnal things? If others be partakers of this power over you, are not we rather." And again, ver. 14, "Even so hath the Lord ordained that they which preach the Gospel should live of the Gospel." These, and similar passages, form the stronghold of what is fancifully called the "Voluntary system." But if these texts are examined, they will be found not in the slightest degree to countenance the expediency, but simply the justice of Christian ministers depending on the contributions of their hearers; not to afford any vindication whatever of such a tax as seat rents are on the public worship of God. For there are

clearly two distinct questions in relation to the texts we have quoted, viz. :—*First*, Whether the Apostle Paul really did enjoin Christian ministers to depend on the contributions of their people? *Secondly*, Supposing he did, are they warranted by his or any Scriptural example or precept to put a tax on the public worship of God, and refuse the Gospel where the people cannot or will not pay? It is quite clear that both these questions must be answered in the negative.—*First*, The Apostle did not enjoin Christian ministers to live on the contributions of their hearers. Those who quote the passages given above for the purpose of proving the opposite doctrine, always *halt in the middle* of the apostle's statement with an evident design. After the verses to which we have referred, (as any one may see by turning to his Bible) he says, "Nevertheless *we have not used this power*, but suffer all things," and the reason is very striking, and knocks on the head the idea that it is expedient for Christian ministers to impose burdens on the people, "*lest*," says Paul, "*we should hinder the Gospel of Christ.*" And again, ver. 15, "But I have used none of these things, *neither have I written these things that it should be so done unto me.*" We know, from other passages, that Paul laboured with his own hands for the very purpose of avoiding the necessity of living upon his people, although he had thus to labour night and day,—that he received supply from "the men of Macedonia," when he preached at Corinth, (2d Cor. xi. 9,) and from the Philippians, when he preached in Thessalonica, (Phil. chap. iv. 16,) and in a word, avoided, by every lawful means, what is now held to be a Christian minister's bounden duty, viz. : To live on the contributions of his people.*

But, *secondly*, in whatever way that question is settled, it still remains to be proved that seat rents are a Scriptural method for securing these contributions. Where, we demand, is the text which warrants the taxing of the House of God? No attempt has ever been made to prove, from Scripture, that Paul set a price on the seats of the houses in which he proclaimed the Gospel. And all that any text ever quoted by the Voluntaries can by possibility prove, though taken in their acceptation of it, is, that spiritual things must be sown first, whilst temporal

* Unable to answer this very plain and conclusive reasoning, some have been absurd enough to say that Paul made an apology for not living on his people, when he said "Forgive me this wrong." Of course the prophet also asserted the deity of Baal, when he said, "Cry aloud, for he is a god." Paul's irony only confirms our view of the truth. Besides, he declares that he would continue to "keep himself from being burdensome" to the people, and that "no man would stop him of this boasting in the region of Achaia." 2 Cor. xi. 10.

things are reaped afterwards—that when the minister preaches the Gospel, as by the command of Christ he is bound to do, to every creature, he may, or at most should, accept the voluntary contributions of his hearers; in other words, set a *plate at the door* of his church to receive what the people choose to give for his support. Nothing more than this is pretended to be proved. The idea of putting a price on every seat, of reaping the carnal things first, and sowing afterwards, and converting the church into a sort of ecclesiastical warehouse, is disowned by Him who commanded the poor and the halt to come in, and cannot be countenanced by the slightest glimmer of Scripture precept or example. And, besides, if the minister does choose to set down *a plate* to receive money for his own support, it must be one different from that which receives the alms for the poor. To give to the poor on Sabbath, is a Christian duty apart from our duty to the minister; and in most unendowed churches in Scotland, it must be a matter of deep regret that it is so sadly neglected, or rather that, as a necessary fruit of the system, the poors' money is seized upon and converted into funds for the support of the clergyman. We should like to see the Scripture authority for this also, if any is pretended. It is of importance to add, on this part of the subject, that the view which we have taken of the *true Voluntary system*, as alleged to be found in the Bible, and as entirely opposed to seat rents, was that maintained in the Westminster Assembly, by the most learned and able defenders of that system, and that the present plan is entirely modern. Baillie tells us that "the ancient way of maintenance by tithes on land or set stipends, they (the Independents) do refuse and require here the reduction of the Apostolic practice. They count it necessary that all the church-officers should live upon the charge of the congregation; the ruling elders and deacons, as well as the pastors and doctors. But all they will have them to receive is a mere alms—*a voluntary contribution laid down as an offering at the doctor's feet every Lord's day.*"

III.—There is just another class of texts to which we are anxious to advert for one instant, as bearing out strongly our general position, viz., those in which any thing approaching to merchandise in the House of God is strongly condemned. Consider what our Saviour did when (John ii. 16,) he found the buyers and sellers in the Temple,—a fact, observe, repeated by all the four evangelists, to mark its great importance, and supposed by many to have taken place twice in our Saviour's history,—He drove them all out, and overthrew the tables of the money changers, and said to them that sold doves: "Take these

things hence; make not my Father's house an house of merchandise."

Now, just consider what these men were doing, and you will see that, so far as we can judge, it was not half so unscriptural as what we now condemn. They merely made the outer court of the Temple a market-place; and what they sold was absolutely required for the services of the Temple. Doves were required for this purpose; and it might have been argued that they were promoting the worship by supplying them, as well as by changing money for those who came from a far country,—it was only, at the worst, like the selling of Bibles at the doors of our churches. They did not sell the things of the Temple,—the incense which ascended to God, or the prayers of the priest; they did not put a gate on the Temple, and levy toll from all who went there, as is done at present in the temples upheld for a nation's worship, for we find Peter and John going to the Temple, at the hour of prayer, though they could say, "silver or gold have *we none;*" they did not prevent the priest from coming forth and blessing all the people. Their crime consisted mainly in introducing merchandise at all into the Temple of the living God, bringing the seat of Mammon into contact with the residence of Him whose crowning attribute is love, and whose "tender-mercy is over all his works."

But what we condemn is surely a far greater enormity. Our fathers laboured and bled to secure a universal provision of Christian instruction for all the people of the land; but we have not only suffered this provision to fall miserably short of the growing wants of the accumulating thousands of our people, but, taking advantage of our own neglect, and of the scarcity of "the bread of life," we have set up the ordinances of God to the highest bidder, and sold, to all who will buy, the dear-bought inheritance of the poor. There are the spiritual merchants, with their tables, and their wares, in the very heart of the sanctuary of God; and every year we see them announcing anew that they are ready to sell, to the first that comes, and to the highest bidder; and they call upon the elders of the city to assist them in their unholy traffic. And what is it they sell? They sell the proclamation of the Gospel; nay, if "faith cometh by hearing," they sell that holy principle; if the Spirit is there, if peace and holiness are there, if the gate of heaven is there,—all, all are sold, so far as it can be done, by these merchants of human souls. Oh! it is enough to stir up a righteous indignation to see the poor man kept back from the very threshold of God's House, and to see these men proceeding, without interruption, with their unholy traffic; nay, to find others endeavouring, from

Scripture, to vindicate such practices. If Christ drove out the one class, I leave you to judge in what estimation He must hold the other. The one only came near the House of God with their stalls, and were scourged out with cords; the others have entered the very Holy of Holies, and made all the sacred things of heaven and earth the subjects of barter and merchandise.

There is one other text of the same kind,—James ii. 1, where the sacred writer complains that the poor had even then been treated with scorn in the House of God.—"My brethren, have not the faith of our Lord Jesus Christ, the Lord of Glory, with respect of persons. For if there come unto your assembly a man with a gold ring, in goodly apparel, and there come in also a poor man in vile raiment; and ye have respect to him that weareth the gay clothing, and say unto him, Sit thou here in a good place, and say to the poor, Stand thou there, or sit here under my footstool: Are ye not then partial in yourselves, and are become judges of evil thoughts?" Now, I wish you to observe, that what is here so unsparingly condemned is not nearly so bad as what I have experienced myself, of old, in one of the churches of Edinburgh. James does not speak of any surly doorkeepers, standing to prevent the poor from entering the church at all. He does not say that the poor man was not taken to a seat in the house of prayer, but he complains that the seat he received reminded him of his poverty, and that their whole conduct towards him made it clear that they held "men's persons in admiration because of advantage." He does not intimate that a time would ever come, in the history of the Christian Church, when the poor would actually be kept out of the House of God altogether, and made to hurry back into deeper obscurity,—perhaps plunge into deeper vice than before. And yet this is the very state of matters in our large towns. It is vain to say the poor may go and occupy the churches that are deserted. It is clear that such a proposal originates in the very feeling of contempt for the poor which the apostle condemned, and that he desired the poorest man to meet with the richest on a level in the House of God,—and that as a matter of right, and not of favour. As they shall all meet in the grave, and at the judgment, it is the aim of Scripture that they should equally meet under the sound of the Gospel.

Before concluding this argument from Scripture, let us clear up two points.

1. Some of the smaller bodies of professing Christians say, "We preach the Gospel to the people for nothing." Yes, we answer, but not by means of educated men, who have no other occupation. You may, without an Established Church, have

the Gospel preached for nothing, but only by men who devote their time during the week to another calling, for their support. Now, it is of essential importance, that preachers should be educated men, wholly devoted to that work. "We will give ourselves," said the Apostles, "wholly to prayer and the ministry of the Word." "But," say they, "was not Paul a tent-maker, and why may not the preachers still be labouring men?" There is, we answer, no harm, if there be an absolute necessity, but only in that case, (which, by the adoption of proper means, need rarely occur,) for not only was Paul a most learned man—so that ignorance can have no countenance from his example—but a miracle was wrought to make all the first preachers of the Gospel learned. Paul only laboured for want of other means of support, and he has, by his example and precept, made it clearly evident, that ministers should "give themselves wholly" to their work, and be "able to convince gainsayers;" all which cannot be done unless there be a proper provision for the ministers of the Gospel, and for universities, at which they shall be instructed, that thus the people may not only have the entire services, the able and learned services, but the gratuitous services of a body of Christian ministers. But,

2. Some are ready to object, that Scripture only gives a man a right to hear the Gospel in the open air, and if we are to sit in comfortable churches, we must at least admit the propriety of paying for this. We do admit it, but *not by seat rents;* and, besides, such an objection can only be made by one, who does not remember that we at least argue for a national provision for Christian ministers. Against our theory, therefore, it cannot apply. What is the meaning of an endowment, or of the magistrates supporting religion, if it is not that they pay all the expenses of Christian worship for my accommodation. In a heathen land, to which Christian ministers came, I would, by the charter of heaven, be entitled to hear the Gospel in the open air. But, in this land, there is another charter, enforcing the support of the ministers of Christ, and the erection of churches for my sake; and it is on this account that all the texts I have quoted, in regard to the free proclamation of the Gospel, may be fully realised by the Established Church. The proposal of some is, to demolish all this, and leave me to build the church and uphold the minister myself, or, if I cannot, or will not do this, to leave me in a state of heathenism. My proposal is, to remove every unjust demand, and secure a free Gospel, powerfully preached, for every soul in the land. If this is not secured, the Established Church is but a mockery,—if it is, that Church will exemplify and carry out the noblest principles of Scripture.

To draw this chapter to a conclusion, we are most anxious that you should read and study the Scriptures for yourselves, putting aside the glosses and misinterpretations of interested men. If you find, as we think you will, that in our land there is provision made for having the Gospel preached, as its Master required, to the poor, and to the poorest of the poor,—for having the ministers supported from a sacred fund, so that all men may equally enjoy the benefit of their labours, and that merchandise and the tables of Mammon may be driven from the temple of God, stand up for such inestimable privileges, and defend the cause of the poor and the defenceless. For if, as we shall afterwards prove, seat rents are opposed to law and reason in the parish churches of Scotland, and if you, that are rich, hold your peace, and suffer the inheritance of the poor to be utterly taken away, merely because he is weak and the oppressor strong, remember, that "He that is higher than the highest regardeth it." Defend the cause of the poor, plead for the children of the needy in the gate.

O just consider in the light of Scripture what a consummation of wretchedness it is for a poor man to be driven from the House of God! He toils all the week down in the depths of wretchedness, and still that would be little, if, like Lazarus, he could look forward to all the glories of a better land beyond the grave. But if, when the Sabbath comes round—that day of holy rest—and he desires to take with him his little children in his hand, and forget his cares, and lay aside his sorrows for a season, and ascend the mount of ordinances, that he may hear of Him who clothes the lilies, and feeds the ravens, and hears even the young lions when they cry, and who earnestly invites the poor and weary to come that they may obtain rest,—if he desires to hear

> "How guiltless blood for guilty man was shed,—
> How He who bore in heaven the second name
> Had not on earth whereon to lay his head,"—

if he longs to go up to the spiritual Pisgah, that he may see the land of promise at a distance, and hear the voice of psalms ascending in sweet melody to heaven, like the voice of angels in that land where the tears are wiped away from every eye, O is it not cutting, is it not fearful to think, that whilst God from above is entreating the poor man to ascend this hill of consolation,—whilst the Spirit and the Bride are saying, Come,—whilst angels and spirits redeemed are re-echoing the invitation, some fellow-worm is standing at the foot of the hill, and, with his obstructions and demands, is driving the poor man back to his wretchedness again!

Why do we suffer man to imprison within his locks and bars the truth of the eternal God? Why do we suffer the spirit of Mammon to thwart the Spirit of Christ, and to give over to perdition those whom "God willeth to be saved, and to come to the knowledge of the truth?" In our Father's house there is bread enough and to spare,—why should these perish for hunger?

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## CHAPTER II.

### SEAT RENTS BROUGHT TO THE TEST OF THE LAW OF THE LAND.

In order to understand a legal argument on the subject of seat rents, it is absolutely necessary that certain truths should be understood. We must understand, for example, what a nation professes to do when it establishes the Church of Christ—that it professes to take upon itself the support of Christian worship, lifting the burden entirely from the shoulders of individual congregations, and placing it on funds at the disposal of the nation; paying the ministers, erecting and maintaining the churches, and defraying all the necessary expenses of public worship. Where this is not done, there is, properly speaking, no right establishment. The principle of an establishment may to some extent be recognised in theory, but the thing itself is not enjoyed to the full extent by the people. So that just in proportion as the people are forced to pay for the maintenance of divine worship, in the same proportion is the establishment deficient.

It is also of vast importance to understand that a church is just a covered area in which the people of a parish may meet for divine worship—that for many years after the Reformation in Scotland, no fixed seats were placed in the parish churches, either in town or country—that the churches generally were those in which the idolatrous rites of Popery had been observed—that (as in all Popish countries, even in Ireland, where Popery depends on priestly extortion for its support) these churches consisted of open covered areas, into which the people were permitted freely to enter—that by the Roman law, from which ours was mainly taken, churches were held to be amongst things sacred not to be held as *in commercio*, in other words, never to become matters of merchandise—that the original obligation on heritors to build and repair churches in Scotland, did not include the putting in of fixed seats, and that, in fact, the putting

in of these, the levying of seat rents, the increase of these, from time to time, till now they are enormous, and in towns universal, the idea of property in the House of God, even in the churches of parishes, in which men do not reside, these, and many other glaring evils connected with them, have sprung up in the dark, and by degrees, in the gradual lapse of time, not only without the semblance of a legal warrant, but in most cases, in shameful defiance of the clearest principles of law and equity, and simply because those upon whom imposition was thus practised, were either ignorant of the law or unwilling to incur expense in maintaining it, and resisting usurpation.

It is also of vast importance to observe that, as the parochial system has been all along adopted, with great propriety, in the Established Church of Scotland, it is impossible that seat rents could exist originally, since any thing like a right of property in the House of God must necessarily completely subvert that system. For, if seats are let or sold, a man will immediately buy in the church which pleases him most, or one man may buy up the whole church, or the seats may be let at such a price as to exclude all the parishioners who may be poor, which is, in fact, the case at present. The church may be all filled with strangers, and thus the very object frustrated for which a *parish church* was erected; or even if no strangers come, the price demanded by hostile magistrates or proprietors may be so fixed as to amount to a prohibition to the poor parishioners, and the minister may be visiting during the week amongst people who can never see his face nor hear his voice on Sabbath, and on Sabbath may be preaching to empty walls, whilst the people are standing in the church-yard without, unwilling to intrude into seats to which they have no legal right, and cannot buy one. Nay, those to whom the church legally belongs may claim also the communion table as a part of that church, and fix the terms also upon which any one shall interfere with or occupy that portion of their property. All these evils, and many more, might, and would undoubtedly follow, were any principle of law established, constituting parish churches, or any portion of them, the property of corporations or private individuals. Hence it is of great importance to go up the stream of law and practice, which has now become so muddy and confused, to its source, where we shall find all simple and beautifully consistent with Scripture, the true nature of an establishment, and of the parochial system, and most admirably adapted for the universal diffusion of Christian truth in the land.

Erskine states (Macallan's Ed., p. 196–7–8) in his chapter on "things destined to religious uses," which, by the Roman

law, could not "become the property of any man," that "although the formal consecration of things to sacred uses hath not been practised by the Church of Scotland since the Reformation, yet churches, communion cups, bells of churches, and other things destined to sacred purposes, retain to this day so much of the character of sacred, that they are *exempted from commerce, and so cannot be applied to the uses of private property*, while they continue in that state." The very exception, in the strongest manner, confirms the rule. "Yet," says he, "our law allows, in certain cases, churches to be removed from one place to another, and the bells of churches and communion cups, when they become unfit for service, to be melted down or sold by the kirk-session, with consent of the heritors of the parish, *and the price applied towards purchasing others*." Again: "Though churches fall not under commerce, *because a church is the House of God himself*, the heritors, and other inhabitants, may acquire *a quasi* property in the seats of the church, or in part of its area, *limited to the special purpose of attending divine service*." Again, p. 322: "If a landholder had it in his power to separate the two, (the church from his lands,) either by expressly reserving the area to himself in his disposition, or by making over the lands and the area to different grantees, *a church might soon be made the property of strangers, to the utter exclusion of the inhabitants of the parish*."—(See Fount., Jan. 15, 1697.) It is to be observed, that these principles will at once crush the evil in question,—that if even this latter principle is kept clearly in view, it will demolish at once nine-tenths of the buying and selling which at present is practised in the churches of Scotland.

Having quoted these clear statements of primitive law, let us quote some facts in regard to the early state of the parish churches of Scotland. The following graphic and just remarks are found in a petition for the ministers of Edinburgh in 1812,* drawn up by men profoundly versed in this subject: "In ancient times the churches of Edinburgh were *neither seated nor rented;* for it was formerly the practice, in Catholic countries, and is so occasionally still, to perform divine service standing. Even after the Reformation, people repaired to church, and attended divine worship in the way that was most agreeable to themselves. They stood, or sat, or lay, as it suited their own convenience; exactly as they do at a field preaching now,—or as a certain class of venerable females are seen clustering around the pedestal of a modern pulpit. If they chose to enjoy the luxury of a seat, they were obliged to take one with them; and

* State of the Question,—see p. 14. Adam Black, 1824.

it is certain that it became a common practice to do so, and to leave the seats in the church. This custom, joined to the habit of frequenting particular parts of particular churches, probably created, in effect, a partial distribution of something like property in the interior of these edifices; but this must have been very faint, for the undivided openness of all ancient places of public worship is a fact which it is impossible to dispute. *The people in these days knew, that whether these sacred fabrics had been erected by the munificence of the magistrates, the piety of individuals, the zeal of princes, or the vanity of opulence, when once they were dedicated to public worship they were free to all true worshippers.** Of private chapels, attached to great houses, it would be irrelevant to speak, because they have no application to this case. But the petitioners do state it as a fact which admits of no reasonable dispute, that in former times the people at large had *an absolute right to resort to any church that was recognised as a place of public worship:* that nothing prevents them from having such a right still, except that churches are divided and seated; and that the notion of churches being the property of their founders, before these operations were dreamt of, and of *these persons having the right of selling admittance for a price, would not only have appeared unfounded but impious.*" It may be of importance to observe, in confirmation of this, that when, after the Reformation, a quantity of Church property was made over to the magistrates of Edinburgh, for the purpose of upholding public worship in the city, *the churches themselves were not conveyed to them as their property;* that these churches were not regularly seated till 1639, being nearly *eighty years* after the Reformation; and that the same state of things prevailed for a long period in Glasgow, Perth, Kirkwall, and the other towns of Scotland; nay, that in some distant parishes a state of things nearly the same *prevails to this very hour.* It is only by thus going back to actual facts that we can fully understand the meaning of the law; and the following extracts will give us a glimpse into the primitive customs of our ancestors, and convince us, that only by a gradual process of aggression, on the part of the rich and strong, have the poor and defenceless been jostled, first into the centre of the church, then into the communion seats, then into the passages, and lastly,—out of the House of God altogether! The following extract is curious, not only as illustrating the primitive state of the churches in the towns of Scotland, but as the record of the first division of Glasgow (now so immense a city) into

* Of course we wish the parishioners to have an exclusive preference, whether they be poor or rich. Who has not heard of "Janet Geddes's stool?"

two parishes! "*Presbytery of Glasgow, Feb.* 1, 1596.—The said day Mr John Couper, for himself, &c., protested that the parishioners of Glasgow without the town be one particular and special congregation by themselves, separated and divided from the town of Glasgow, according to the acts of the General and Synodical Assemblies of the Kirk made thereanent, and that they resort to hear Mr Alexander Rowat, their ordinary minister, preach the Word of God to them, minister the sacraments to them, and celebrate marriage to them, in the High Kirk of Glasgow, where with diligence a pulpit shall be erected to the said Mr Alexander, *furms set to the parishioners*, and the kirk foresaid shall be made wind-tight and water-tight as soon as possibly may be done, to God's glory, and *to the edification of the said parishioners, to know the Word of God.*" Again, "*Jan.* 3, 1597.—The Presbytery concludes, and thinks it meet and expedient, that *the bairns in the grammar school, all and every one of them*, resort to the High Kirk on the Sunday to hear God's word preached, the sacraments ministrated, and that Mr John Blackburn, schoolmaster, be warned to this conclusion, that the same may be followed."

"*Jan.* 17, 1597.—The Presbytery ordains the ministers and some of the magistrates, to be desired to espy *a convenient place in the High Kirk to the grammar school bairns to sit into*, and the said ministers of the city to report their diligence to the Presbytery this day fifteen days." There is in all this no mention of exactions. The churches are free and open to the whole parishioners, even the little children in the school.

The same fact will be clear from the following extract from the records of Perth.* About 1640, it would appear that certain persons had begun to set up seats as their exclusive property,—still the greater portion of the area was open. But, even in regard to the appropriated seats, we find the session demurring. "*March* 7, 1642.—The session desires Mr Robert Lawrie, minister, to go to the Lady Kinnaird (and ask her) to *leave the door of her seat open, and not to be closed, else the session will see to it, for they acknowledge no heritable seats.*" And, in April 2, 1645, in a dispute which arose between a Mr Patrick Maxwell, sheriff-clerk of Perth, the presbytery, and the magistrates, about a seat in the church, the magistrates state, that they "were content that Mr Patrick's *wife should cause bring in a chair with her, and place it in any place of the kirk floor where she might most conveniently, as many other honest women did*, and he himself should be welcome to sit in *any*

* Scott's MSS., Advocates' Library.

*place of the kirk he might find most convenient for him.*" We may mention, however, in passing, that the right of the magistrates to interfere at all was afterwards set aside in favour of the presbytery and kirk-session.

The primitive practice of filling the area of the church with stools and chairs, appears to have prevailed in the Church of Liberton till the Revolution, although most of the heritors had previously received permission from the kirk-session to erect seats. "*Liberton Records, Nov.* 8, 1688.—The minister informed the session, that, having spoken with the heritors anent the placing of seats in the body of the church, *for removing the inconveniency of stools and chairs*, and finding no reluctancy in them to allow the same, so be it might not prejudice any of their interests there, he desired the session would consider of the affair, and what would be convenient to be done in it. The session, hearing this overture, judge it very fit that seats should be fixed in the body of the church, for removing the said inconveniency, and *likeas they think it will tend exceedingly to the advantage of the poor*, the seats being set out at such a price as would be reasonable for their behalf." This plan was accordingly adopted, the fair pretence for introducing a glaring evil prevailed; and the evil continued in operation, more or less, till it was recently entirely abolished. We shall put some such extracts in the Appendix. It will, in like manner, be found in more modern times, that seat rents have crept into many parts of Scotland, at first under some good pretence, but without the least warrant of law, and have afterwards spread gradually like a canker. How important to resist the very beginnings of evil! Had our ancestors known what the result would have been of introducing a price at all for the services of the sanctuary, they would have cut off their right hand before they sanctioned such an abuse. Far better would it be were the whole floors of our city churches swept of their seats now,—the wood to make one great bonfire of rejoicing over such an emancipation,—and they left open areas, as before, than to have all the poor thrust out of the House of God. Had the old state of things continued, we might have taken the chair in which we sit in our houses to the House of God on Sabbath, and no man would have hindered us, or asked our money. Nay, as the strong oaken pulpit which enclosed the godly Rutherford, two hundred years ago, was lately brought forth strong as ever, that in it a worthy successor might set forth the doctrines of the Gospel, —so, the strong oak chairs of our ancestors, unscathed by the hand of time, might still have contained their children through many generations. But we shall afterwards prove, that even

the putting in of seats does not, and cannot, alter the nature of the law.

Having made these preliminary statements in regard to the ancient law and practice of Scotland, it is next of importance to inquire, in how far any alterations have taken place upon the law in the lapse of time. For the sake of distinctness, we shall divide the Churches of Scotland into three classes, viz.: *first*, those churches, the ministers of which are upheld by teinds, and which have been erected by heritors in the usual way; *secondly*, those churches built by, and the ministers of which have a security for their stipends from, the magistrates of burghs; and, *thirdly*, the churches of Edinburgh, whose ministers are upheld by the produce of the annuity-tax.

I. Churches, the ministers of which are upheld by teinds, and which have been built by heritors in the usual way. Under this head rank all country churches, and those of many burghs in Scotland, as Falkirk, Linlithgow, St. Andrews, North Leith, Annan, Kilmarnock, Montrose, &c., &c., in which seat rents are exacted. It is quite clear, that in all such churches no one has the shadow of a right to ask one farthing in name of seat rent, as will appear from the following facts and considerations. *First*, The heritors of such parishes are bound, by law, to erect and uphold a church for the accommodation of the people, as well as to pay a minister to instruct them, and all this *as a burden under which they have acquired and hold their estates.* To impose seat rents, therefore, on the people in such a case, is to transfer this legal burden from their own shoulders to the shoulders of the people, who are not bound by law to bear it; nay, it is in many cases (as in that of Kilmarnock, &c.,) to convert into a *benefit* what the law imposes as a *burden.* The extent of this obligation was fully decided in the case of Tingwall (Fac. Coll., 22d June 1787.) "The Presbytery of Lerwick having directed a new church, of certain dimensions, to be built in the parish of Tingwall, the heritors brought those proceedings under the review of the Court of Session by a bill of suspension. The Lord Ordinary (Lord Henderland) pronounced this interlocutor: 'Finds, that when it becomes necessary to build a new church, the heritors of the parish are bound to *provide one sufficient for the accommodation of the parishioners capable of attending public worship, and that this is a burden under which they acquired and hold their estates,*' &c. A reclaiming petition was prepared on some of the questions of detail, but the Lords found, 'That the heritors of the parish of Tingwall *are obliged to build a church capable of containing two-thirds of the examin-*

*able persons in the parish* not under twelve years of age, and remitted to the Lord Ordinary to proceed accordingly.'" This is now settled law on the subject; and it not only proves, that the heritors cannot legally transfer from their own shoulders to those of the people, burdens which the law has made all their own, by any pecuniary charge, whilst they do not at the same time transfer their property, but it proves that the law does not, and cannot, contemplate the imposition of any seat rents whatever. For, if the church be ruinous, a new one must be built for two-thirds of all the examinable persons, although one-half are beggars, who have nothing, and the other half heathens, who will give nothing. Every man is to have his seat provided for him, without his incurring any cost whatever—nay, although he has neither ability nor will to give any thing.

All this was further established by the case of Inveresk, (Fac. Coll., 21st June 1796,) where two farmers on the estate of Lord Wemyss maintained, "that the right of an heritor in the area of the church is not personal to himself, but is inseparable from the possession of the lands, and common to himself, his family, and his tenants," and they might have added, to all the inhabitants. Accordingly, the Lords "remitted to the sheriff to find that the Earl of Wemyss's tenants, in the parish of Inveresk, *were entitled to be accommodated with suitable seats in the parish church of Inveresk*, and to make a fair and equitable division of his Lordship's area in that church accordingly." From this it clearly appears, that the idea of a right of property, on the part of heritors, in parish churches, except, as Erskine says, "limited to the special purpose of attending divine worship," and that only in common with their tenants and the other parishioners, is altogether unfounded.

It is generally supposed, however, by cursory observers, that only heritors and farmers have a right to seats in country parish churches, and that, if they do not require all the seats they possess, they may let them to feuars in the parish. Now, not to mention that the law of Scotland gives no authority to let or sell seats in parish churches at all, in any case, the whole of this mistake arises from the modern practice of having churches divided by the authority of the sheriff, and from the sheriff's dividing them generally without a sufficient consideration of the principles of law. We call this a modern practice; for every one acquainted with the history of the Church of Scotland is aware, that the kirk sessions, with the heritors, presbyteries, and synods of Scotland, had complete control over the areas of parish churches, even as the churchwardens have at present in England, till many years after the Revolution, and that the

power of the sheriffs only began to be exercised about the middle of the last century. We have placed, in the Appendix, some curious illustrations of this fact, and of the tenacity with which our truly enlightened ancestors clung to this power, as part of "the liberty of the Kirk." And well had it been for the people of Scotland had they still retained it. We may mention, in passing, that some of the Churches of Scotland have never thus been divided by the sheriff at all. The Church of South Leith is one of these. We believe that the Church of Kirkwall is another. The Church of Biggar was only divided by the sheriff about two years ago; and, till lately, the Presbytery of Biggar divided all their churches. The evil of the division by the sheriffs is, not only that it is made only once during the whole existence of the fabric, whilst the population is continually changing, and therefore requires the power of a resident body, like a kirk-session or presbytery, to adapt the seats to the constant shifting of the people, but that the sheriffs, in the face of law, often give the whole area to the heritors and their tenants. We say in the face of law, for the law demands provision in the church for two-thirds of all the examinable persons in the parish, whether heritors, tenants, or whatever they are. If a colony of tinkers were found in the parish, it is clear that, by the law, accommodation in a new parish church would be provided for them as certainly as for the heritors and tenants. The law, as judicially interpreted, speaks not of heritors and tenants, but of "examinable persons," of "parishioners capable of attending public worship." And yet, with singular inconsistency, the sheriff would, perhaps, in dividing the church, refuse to give these persons the accommodation, after it was provided, and provided for them by force of law. There is something flagrantly wrong here, which calls loudly for remedy.

It is of vast importance to observe, however, that an attempt by heritors to extort money for surplus seats, thus improperly obtained, from persons to whom the seats really belonged by law, was signally frustrated in the case of Dunbar, in 1823. The parish church had become insufficient, and it was resolved to erect a new and very handsome edifice. The magistrates of Dunbar, as heritors, paid one-fifth part of the cost of the erection, which share amounted to no less than £1600, thus incurring a heavy debt, which they hoped to discharge by means of seat rents. They, accordingly, did not give the people of Dunbar their share of the area, but demanded a high price in the form of seat rents. The people, however, refused to pay the rents they demanded,—the magistrates nailed up the seats,—and the minister and kirk-session applied to the sheriff for an interdict, which was granted,

as the following extract (Jan. 15, 1823,) proves :—" The sheriff-substitute having considered the petition and complaint, with the answers, replies, duplies, triplies, and writings produced, sustains the title of the petitioners, the minister and kirk-session, to complain ; and finds, that, although the heritors of a parish *may be*"—he does not say *are*, but waives the point, as it was not precisely before him,—" entitled to stipulate for, and receive rents from the parishioners for the seats in the parish church, yet, in default of obtaining tenants, *they are not warranted in shutting them up in the manner complained of; and therefore prohibits and interdicts the respondent, the chief magistrate of Dunbar*, from shutting up, in the manner complained of, the seats held by that burgh in the parish church ; and finds him liable in the expense of this proceeding." This decision was confirmed by the sheriff-depute, and afterwards by the Lord Ordinary, when the magistrates of Dunbar, in despair, abandoned the action. Some of the pleadings of the magistrates in the Court of Session are very curious, and since they were repudiated by the Court, go strongly to confirm our position. " The complainers," say they—*i. e.*, the magistrates,—" need not inform our said Lords, that in this city, for instance, (Edinburgh) as in all large towns, the right of the magistrates to exact seat rents is indisputably established, (how unfounded!) and that the rents are, in many instances, exceedingly high. Nor was it ever doubted that the magistrates have a right to exclude every person from these seats who do not pay seat rents." Now, mark the reason for this startling announcement :—" for, if the case had been otherwise, many would have probably hesitated about paying such rents as twenty-seven shillings and sixpence and two guineas a sitting." The people are at length, however, aroused to a sense of the gross injustice and illegality of such demands. Again : " It requires no great skill to estimate the value of such a right of exacting rents as this. If a farmer is entitled to ask a price for a quarter of wheat, but *must give it for nothing*, if he can get no person to buy it, *it is not very difficult to see what chance he has of finding purchasers.* In fact, to admit the right of exacting rent, and yet deny the right to enforce it, is little less than a contradiction in terms ;"—of course, the converse of the proposition is also true, and there being no power of enforcing such demands, it follows that the demands themselves are illegal. Again, " If that is law, if the inhabitants of large cities acted unanimously, they might claim the very best seats in the church for nothing. The very possession of a right to exact rents necessarily implies a right to exclude from the subject all who will

not pay." All these arguments, however, went for nothing; the magistrates were compelled to throw open the doors of the church; and this decision should be proclaimed over all Scotland, because it clearly proves, that magistrates have not the power to extort seat rents from the people, or to exclude the poor from the House of God. If the seats were their property, they might undoubtedly nail them up. But a church is the House of God, destined for his public worship; and it is because there is not a shadow of legal right to exact seat rents, that no means are prescribed by law by which to enforce payment. We may remark here, that we have read the papers in several cases, and we have looked in vain for any scrap of law, any statute whatever, or vestige of authority, by which to justify the practice of letting seats. Practice is quoted, as if the mere existence of an evil were any reason for its continuance.

The only consideration at all in addition to mere custom which we have ever heard urged, and that scarcely ever by lawyers, or in legal pleadings, is that, since by the letter of the original law heritors are not bound to put seats into churches, they may at least exact rents to cover this additional expense. The plain answer to this is twofold, viz., 1*st*, even if it were true that in seating churches heritors did more than the law required, it would not follow that they were entitled to make a law themselves for their own repayment to the frustration of the whole design of the Establishment. Nor would it follow that they were entitled *to exclude the people from the area of their own churches* by the erection of seats for which they charged rent, and for the erection of which at all no warrant of law could be pleaded. The people might prefer to remove the toll-bars altogether, to receive back their own clear area, and bring their chairs and stools as their ancestors did. Or they may claim as theirs what has thus been erected on their property. It is no doubt very kind to accommodate them with fixed pews, but there can be no charge enforced, as is clear from the case of Dunbar. The case supposed would be precisely that of an highway or footpath, which some neighbouring proprietors took a fancy to improve—a most kind undertaking—but it would not follow that they were entitled to erect a toll-bar and levy dues from passengers even on foot, without an express Act of Parliament. But, 2*dly*, we apprehend it is a complete mistake to suppose that heritors would not be found liable in erecting a new church to provide it with seats. The old law, however worded, was of course intended to mean, that a church must be provided suitable for the accommodation of the people. And just as the law respecting manses, although limiting the sum necessary to erect

one to £1000 Scots, is now properly interpreted to mean a suitable house for the residence of a minister, although costing a much larger sum, whilst the heritors are not supposed to have a claim against the minister for rent equal to the difference of price, so they will be found liable to erect a suitable church, according to modern notions, for the accommodation of the people, without having any claim against the people, under the name of seat rent. And, indeed, except in towns, and where there are crowds of paltry heritors, trained in the school of a narrow-minded "hunger-bitten economy," justly so called, such an idea as the introduction of traffic into the House of God is seldom entertained.

No doubt it is a hard case that by law a church once erected can never be enlarged or condemned, merely because it is totally insufficient in size for the accommodation of the people. As long as it can be patched and cobbled so as to maintain an existence at all, there it may remain—although, as in the case of Kirkintilloch, it is apt to be mistaken for an overgrown sepulchre in the midst of the church-yard, into whose damp and unwholesome cavity it is dangerous for the people to descend; or although, as in the case of Neilston, the multitudes of parishioners are seen flocking the church-yard without, whilst the small and interdicted church stands lonely and deserted in a corner of the same burying-ground. Dr Fleming most undoubtedly fought a stout, and to him most expensive battle on behalf of his people* and the Church of Scotland; and although he did not succeed in securing the enlargement of his church, he did succeed in *extinguishing altogether seat rents*, which for twenty years averaged 12s. 6d. a sitting over the whole church! A similar result has been lately achieved by the minister of Biggar, and by every minister who has set a firm shoulder to the task.

It is clearly of vast importance that the law should be so altered, that *up to a certain point* a parish church might be authoritatively enlarged for the accommodation of the people. But only up to a certain point, for it is quite clear that no church should ever be enlarged, either in town or country, to contain more *than a thousand people, and all churches that are now larger should be reduced to that size.* When more accommodation than this is required, the true remedy is a division of the parish, and the legal difficulty in the way of that object is really amongst the greatest spiritual evils of which the people

* See a clear and conclusive statement on this subject in the statistical account of Neilston, and a most powerful article (we think, from Dr Fleming's pen) "on seat rents," in a recent number of the Church Review.

of Scotland have to complain. What would it avail although St Cuthbert's Church or the Barony could be pulled down and enlarged? They are both too large already, and in these parishes accommodation is required by law, if their churches were ruinous, for *thirty or forty thousand people!* The Act 1707, c. 9, has been the cause of this mighty accumulation in single parishes; it arrested the progress of parochial division, whilst every thing has been done to stimulate the increase of population. Hence the masses of ignorance, pauperism, and crime, to be found in such parishes. Until the clause in that Act which prevents the division of a parish without the consent of three-fourths of the heritors, according to their valued rent, is repealed, and a point fixed, beyond which, when a parish advances, its division shall be imperative, the great object of a thorough subdivision of parishes, and a free and universal Christian instruction of the people, can never be realised; and poverty, crime, ignorance, and all the machinery of punishment, will, at an enormous expense, be increasing every hour. If the heritors of Scotland could only see their own interests, they would be more clamorous than the people for the repeal of that statute. But, meantime, it is quite certain, that in so far as the existing accommodation avails in all parishes whose ministers are upheld by teinds, and whose churches are erected by heritors as a burden on their land, the people of the parish are entitled to hear the Gospel without money and without price.* The following unanimous declaration of the General Assembly, so late as 1830, in the case of Neilston, drawn up by John Hope, Esq., advocate, then solicitor-general, should be appointed by the Assembly to be read from every pulpit in Scotland:—"The General Assembly feel bound and called upon, as the guardians of the spiritual interests and ecclesiastical rights and privileges of the people of Scotland, solemnly and firmly to assert the right of parishioners, respecting church accommodation, to the full extent to which they are entitled to the same, under the established constitution of the Church of Scotland. The General Assembly do assert and maintain, as one of the undoubted rights and privileges of the Church, *that accommodation in parish churches cannot be made the subject of profit or income of any sort by the heritors, to whatever purpose that may be applied;* and the General Assembly do distinctly assert, in vindication of the privileges of the people, that in parish churches, regularly built by heritors in country parishes, in implement of those legal obligations im-

* We may mention that in deciding the case of Neilston, the Lord Chancellor strongly condemned as utterly illegal, the practice of letting the seats in the parish church.

posed on the possession and enjoyment of their property, the surplus area allotted to heritors, after accommodating themselves, their tenants, and others residing on their estates, who have a right to accommodation in the same, is destined for the accommodation of other parishioners, and ought to be so appropriated, subject to such fair allotment and distribution to such parishioners as may be preferred by the heritors: And the *General Assembly do solemnly protest against any claim, or pretension of right, on the part of heritors, to let such* SURPLUS AREA, OR ANY PART OF THE AREA OF THE CHURCH, *in such cases, or to draw any income from the same, to whatever objects the same may be applied;* and do assert and maintain, that such pretension is *contrary to the principles of our ecclesiastical constitution, and inconsistent with the rights and privileges of the people of Scotland,* as originally intended and secured for their instruction." We proceed, then,

II.—To the consideration of such churches as have been erected by the magistrates of burghs, from the common good of the town, or otherwise, and the stipends of whose ministers are secured by a bond from the magistrates. Of this nature are all the churches in Glasgow, except the Barony and the Inner High Church, which fall under the first head, the three churches of Paisley, some of the churches in Perth, Dundee, Aberdeen, Greenock, and elsewhere. It would be impossible, in such a treatise as this, to enter into all the specialities connected with these several churches; with the selling of the seats in some of them,—which seats now are often held by non-parishioners, and pass under the imposing name of private property,—with the letting of the seats in others, so as often to realise a larger sum than the whole cost of the Ecclesiastical Establishment,—whilst the collections for the poor are secured in addition. Had we leisure, we could lay open some disgraceful specimens of foul dealing towards the Church and the people, and easily prove, that in such towns the parochial system has been completely and wantonly overturned; that a shameful "gain has been made of godliness," or rather of ungodliness; and the magistrates, so far from upholding the Church, and endeavouring to diffuse Christianity amongst the poor, have greedily plundered the people up to the very limit of possibility; and, by selling Christianity at a higher price in the church than in the meeting-house, have actually converted their official pretended countenance of the Gospel into an additional source of gain.

We have no doubt whatever, that if all or any of these transactions were brought into a court of law, they would be found

utterly illegal; that the tenure by which any, but especially non-parishioners, hold their pretended seat property would be found to be utterly worthless,*—the magistrates never having had, by law, any power to sell; and that there is even no legal authority for demanding or enforcing seat rents in any parochial church. In Chapels of Ease the case is different. They are, in many senses of the word, private property; and, except in so far as their proprietors are influenced by Scriptural considerations, or bound down by the General Assembly, to throw them open to the poor, they cannot, we admit, be compelled by law. But it is different where magistrates have made application to the civil court to have the portion of a parish legally disjoined, and erected into a new one; and where they have erected a place of public worship for the inhabitants of the new parish, now cut off from all connection with, or right of accommodation in, the parent church; and where these magistrates have legally undertaken to support a minister to officiate in such new churches.

It is vain to argue that the magistrates have received power from the Court of Teinds, which erected these parishes, to "uplift" seat rents. The question still remains, Had the Court of Teinds any right to confer such a power? That court is not a legislative body, but is simply placed to administer the law. Now it has undoubtedly power, under certain restrictions, to divide parishes, and it is highly proper, on the part of magistrates, to agree to support Christianity, but what power has any court in Scotland to legalise the selling or the letting of seats? What law is it administering when it professes to confer such a power? Or, supposing all the people should refuse to pay, how is payment to be enforced. There is no such law, that we ever heard of; and it would, without question, require an Act of Parliament to confer such authority. It is vain to say that the expense must fall somewhere, and to infer that, therefore, it must in this way be laid upon the people. This is mere assumption, in so far as repayment is concerned. In the meantime, the magistrates have undertaken to defray the expense, and the funds of the city are sufficient to meet the demand, and to let the citizens hear the Gospel, as its Master required. We know of no more glorious object to which to devote the funds of any city.

But it will be asked, do you then really mean to say that the funds of the city of Glasgow, and of the other towns in Scotland, should be devoted to the payment of ministers, with-

* The *title-deed* in such cases generally consists of a scrap from an old Town Council or Session record,—which, in a court of law, is worth about as much as the paper on which it is written.

out any pecuniary return? Most undoubtedly we do. If it can be proved from Scripture, that it is the duty of magistrates to spend a portion of the funds placed under their control, for advancing the kingdom of Christ—and this has been proved over and over again,—why should we not require them to do so, by endowing churches? If they insist on receiving all the money back in the form of seat rents, their duty is entirely neglected. The only repayment they ought to desire should be the present happiness and everlasting salvation of those over whom they rule, and especially such of them as are so poor as not to be able, or so careless as not to be willing, to pay for the Christianity of which they stand in need. Such trafficking as has existed in our large towns, so far from tending to illustrate the duty of rulers and the glory of an Establishment, has been the very disgrace of Christianity, and the stumbling-block in the way of those whose education and circumstances have not permitted them to take an enlarged view of those deeply interesting questions.

If this view of the matter is not taken by the ministers and people, to whom this chapter refers, there is only another alternative. These churches must be placed in the list of those for which Government must provide. What a puzzle it must be to a poor man to find that he can have seats one-half cheaper in Chalmers's Church than in St John's, which stands beside it; in St Peter's than in St George's, in the same parish, and yet, that an endowment is demanded and urged on behalf of Chalmers's Church, and St Peter's, for the purpose of lowering or extinguishing the seat rents, whilst not one word is said about an endowment for St George's or St John's, or of any method by which to lower their exorbitant rents, and throw them open to the people. It is vain to say that these churches, and similar ones in Paisley, Greenock, Perth, Dundee, and Aberdeen, are for the rich, who are able to pay. Not to mention how grossly unscriptural it is to have any churches where the rich and the poor cannot meet together to worship the Maker of them all; it is clear, that if these are to become what they are not at present, *parochial churches*, and if effectual good is to be done, this must be aimed at,—their doors must be so thrown open that the very poorest and most careless in the parish may find a free admittance. If something like this is not attempted, the splendid scheme of the General Assembly must be greatly retarded; for such incongruities confuse and stagger our friends, whilst they confirm in error and embolden our enemies. As our principles are most clearly in accordance with Scripture, and with reason and experience, let there be no shrink-

ing, but let us honestly and boldly carry them out to the very uttermost. Let us now proceed,—

III.—To the case of Edinburgh, whose eighteen ministers are upheld by the annuity tax. Here there is no difficulty in understanding, if the facts are merely stated, that a more gross and illegal imposition than the seat rents, as they at present prevail, never existed, even in this world of fraud.

It appears, that immediately after the Reformation various immense grants of Church and hospital property were made to the city of Edinburgh, for the express purpose of maintaining the ecclesiastical expenses, and those of the college. By a charter of Queen Mary, dated 13th March 1566, there were granted to the magistrates, "the lands, tenements, houses, buildings, churches, chapels, gardens, orchards, crofts, annualrents, fruits, duties, profits, emoluments, farms, alms, deal silver, obits, and anniversaries, which belonged to whatever chapelries, altarages, and prebendaries, in whatsoever churches, chapels, or colleges, within the said town of Edinburgh; founded by whatever patron, in whose possession the said chapelries or prebendaries at first were, and wheresoever the aforesaid houses, tenements, buildings, orchards, gardens, annualrents, anniversaries, fruits, profits, and emoluments lie, or were at first severally raised;" as also, all the manor-places and other property which belonged to the Black and Grey Friars, within the city, &c.;—"the said provost, bailiffs, council, and their successors, being obliged to defray *the expense* of the ministers, lecturers, and other ecclesiastical burdens, and to erect hospitals, and other buildings, as aforesaid, according to the yearly amount of the said annualrents, profits, and duties." This grant was ratified and confirmed by a charter of King James, April 14, 1582, whereby he again gave the same property, "to be for ever applied in support of the ministry, help of the poor, and towards building and repairing houses for the propagation of letters and sciences, by the arbitrage of them and their successors, as shall be judged most useful." Here, surely, was a vast provision for upholding the public worship of God in all ages, in the city of Edinburgh; and, according to the Scriptural plans of Knox, and our other wise ancestors, in such a way that no tax whatsoever should be imposed on the public worship of God,—the gates of the sanctuary being thrown wide open, for the poor to enter. But mark the result. Pretending that the vast amount of property which they had thus received was insufficient for the support of the clergy,—an amount which would have supported six times as many,—pretending this, we say, (for we suspect that they had really

shamefully squandered the Christian patrimony of the poor,) *they petitioned* successfully, in 1633, to have the annuity imposed, as an additional means of supporting the ministers. An annuity, *at their request*, accordingly, of 12,000 merks, was imposed on the citizens.

At this time the idea of a tax on the public worship of God was never dreamt of. For *more than seventy years* after the Reformation the Gospel was preached in Edinburgh literally "without money and without price." It was preached in this way by John Knox himself, and by many great and eminent men after him,—and then the poor were the strong friends of the Church. But, emboldened by their past success, the magistrates pretended that they had not yet received enough for the support of the ministers, and proceeded, in 1639, one year after the famous Assembly at Glasgow, to impose, by their own usurped authority, *seat rents*. They did not dare to ask an act of Parliament warranting such an illegal impost. They did not even dare to assemble the poor of Edinburgh, whose rights they were about to sacrifice, nor the presbytery, nor the ministers, but simply some of *the richer inhabitants*, to whom the payment was no burden, and the whole delusion was varnished over by the pretext, that the burdens of the town would be relieved, and the "better decency" of the churches secured. (Council Records, vol. xv., p. 112, Dec. 27, 1639.) "Forasmuch as the provost, bailies, and council, with a number of *the neighbours of the best quality* within this burgh, being convened, . . . . they have thought good, and ordained, and by these presents ordain, for the *better decency of our churches*, and for relief of one of the foresaid burdens, that the whole churches of this burgh shall be filled with pews, or desks, and *that there be a certain yearly duty imposed upon each pew, or seat*, to be uplifted of those to whom the same shall be allotted by the council; and that the same be ingathered by the elders and deacons of each church, each of them within their own quarter, together with the yearly annuity appointed to be taken of the house *mailles*, to be delivered to the treasurer of the kirk rents, *for payment of the ministers' stipends, and maintaining the fabrics of the churches*."

In this extract we have the authentic record of the illegal origin of seat rents in the city of Edinburgh. Here we have the evil at its very source; and it is clear that the magistrates had no competent authority for such an encroachment on the open areas of the people, such a sweeping out of the stools and chairs as was here commanded and enforced. It was only because they were cunning enough to say nothing of the secular purposes to which the money, thus obtained, might afterwards

be appropriated, and to carry along with them the body of the rich, who alone could maintain an action against such illegal proceedings in a civil court, that the evil was not crushed in the bud. It is clear, moreover, that small as the seat rents at that time were, they had soon the effect of deranging the parochial system, and driving the poor from the House of God. About *sixteen years afterwards*, we find the Synod pointing out this evil. "Synod, 1655.—There was a motion moved, how the people of Edinburgh, *especially the meanest sort*, might be better accommodated for hearing the Word preached in their several congregations, which the Synod would be *pleased to recommend to the ministers of Edinburgh*." But that the poor might not be banished from the churches suddenly, and thus occasion a commotion, which might have defeated their plan, we find the wily magistrates leaving at first the lofts unseated, as a sort of compensation for driving the people from the areas. (Council Records, June, 1654.) "The Council declare," in regard to the College Kirk, "that they will have no proper seats in the lofts distributed to the neighbours, nor designed nor appropriated to them, but for the accommodation of the Council *and strangers, and those of the parish who are not able to build seats for themselves*." By and by, however, in proof of the progress of iniquity, they became more bold, and resolved, like the magistrates of Dunbar, to exclude all from the seats of the church who would not pay seat rents, and that, too, *in advance!* (Council Records, Nov. 1662.) "They appoint the four bailies, with the collector, and such neighbours as they shall think fit to call unto them, to take special inspection of the seats in the said kirks, and to put a price on each seat at their best discretion, and that none be possessed with one of the said seats *till they pay beforehand one year's rent thereof!*" Still, however, notwithstanding all these illegal encroachments, and the gradual increase of these taxes on the House of God, it is important to be known, that even in 1735, immediately after the period of the Secession, and nearly one hundred years after seat rents first commenced in Edinburgh, they amounted, on the whole nine churches then in Edinburgh, only to £790 : 8 : 10⅔d. Sterling, or *not one half the sum* at present levied in *more than one single church* in Edinburgh, and that so late as 1800, or only *thirty-eight* years ago, the seat rents of the whole churches amounted *only to about* £1590,* whilst at present the *rental of single churches amounts to a larger sum!*

* See Mr Johnston's most admirable and unanswerable "Exposition of the State of the Established Church in Edinburgh," &c.—Fraser and Co. 1835.

So rapid and fearful is the progress of undetected and unresisted fraud, and so necessary is it to withstand the very beginnings of evil.

It is further of great importance to know, that in consequence of a lawsuit in 1810, it was judicially declared, *inter alia*, that the magistrates *were not bound to pay the proceeds of the seat rents to the ministers*,—in other words, that they were not entitled to exact them at all, at least under the main pretence which had all along been pleaded for their imposition. But still, instead of ceasing to levy them on that account, these rents have ever since been increasing, although the magistrates have never pretended to account, under any ecclesiastical head, for the money thus obtained, nor for the sums accumulated prior to the date of the foresaid action. Moreover, it should be universally proclaimed, that in the Acts of Parliament, by which the magistrates were "authorised and required" to erect even such churches as St George's, *there was no power conveyed, as they themselves admit*, to exact seat rents for the repayment of the immense and unnecessary sums expended, or for *any purpose whatever*; and that, even if there had been such a power, it has been proved, that the magistrates of Edinburgh, after deducting every sum they have paid for any such purpose, had gained, in 1835, "DURING THE PREVIOUS FORTY-SIX YEARS, BY THEIR CONNECTION WITH THE CHURCH, MORE THAN NINETY THOUSAND POUNDS STERLING." * This sum must now amount to more than £100,000. A more gross and shameful case of glaring injustice, therefore, than is exhibited in their persisting to exact and increase the seat rents levied from the citizens of Edinburgh, to the amount of about £7000 a-year, was never put on record.

But the evil will appear still more shamefully unpardonable, when the following facts are stated:—In 1822, (twelve years, observe, after the magistrates had been found virtually to have no right to levy seat rents,) the magistrates modestly resolved to "increase these rents in the High, Tolbooth, New North, Old Greyfriars', Lady Yester's and St Andrew's Churches," under the plausible pretence of making the churches all alike, as if that could not have been done by sweeping the rents away altogether; and they put an advertisement in the newspapers, and affixed a placard on the doors of these churches, intimating their intention. Fired with a noble zeal, the kirk-sessions of five of these parishes took the alarm, and appointed committees to resist the measure. These gentlemen have put forth a pamphlet stating the result of their labours, nobly vindicating the rights

* Mr Johnston's Pamphlet, p. 45.

of the people of Scotland, exhibiting the disgraceful and unscrupulous cupidity of the magistrates of Edinburgh, and containing the opinions of certain eminent lawyers on the subject in debate.* The first of these opinions is that of Mr Irving, afterwards Lord Newton, whose ideas on the subject were not indeed sufficiently definite, and some of whose alleged facts are more than questionable, but who had no doubt whatever on the main point at issue: "I do *not think*," says he, "that the town is entitled *to increase these rents at the pleasure of the magistrates, or to make the seats in the churches a source of revenue applicable to the general expenses of the burgh.*" Sir James Moncreiff, now Lord Moncreiff, with his usual clearness and energy, gave a still more decided opinion, which was also a death-blow to the claims of the magistrates: "I am clearly of opinion," says he, "that the magistrates have *no right* to levy seat rents for the increase of the general revenues of the city, *or for any purpose except for the support of the ecclesiastical establishment itself.*" We may mention here in passing, that these opinions were unanimously confirmed by those of Mr Irving, Mr Skene, and Mr L'Amy in 1834, who, in answer to "the Memorial and Queries for the Right Honourable the Lord Provost, Magistrates, and Town Council of Edinburgh, in so far as it relates to the seat rents," said, "We concur generally in the whole substance of the opinions given in 1823 by Lords Newton and Moncreiff, then at the bar. We are very clearly of opinion, that *seat rents cannot be levied for the increase of the general revenues, or payment of the general debts of the city, or for any other purpose than the support, more or less directly, of the ecclesiastical establishment itself.*" Notwithstanding these clear and decided opinions, which went to convict the magistrates of Edinburgh of gross illegality and oppression for ages before, instead of ceasing to levy seat rents in 1823, when Lord Moncreiff gave his opinion, instead of lowering these seat rents in the slightest degree, they proceeded gradually and unblushingly, knowing what they did to be wrong, to augment them by about *two thousand a-year*, between that period and 1835;† and without the slightest doubt, they would have continued to augment them still, whilst they continued to make the people believe that the annuity tax, forsooth, was the true grievance, had not a recent action in the Court of Session, on the subject, spread terror amongst their ranks, and induced them to make a show of liberality, but only on the most niggardly scale.

* See "State of the Question," &c. Adam Black. 1834.

† See Mr Johnston's Pamphlet, p. 43.—This increase arose partly from the addition of St Mary's and St Stephen's Churches.

We grieve to say that the whole clergy of Edinburgh looked on too passively at this enormous and growing evil; and we regard the recent outcry against their successors as only the natural recompense, in the providence of God, of supineness in defending the cause of the poor, and unmasking their shameless oppressors. If they had cried out against these encroachments, and secured to the poor of their parishes free admission into the House of God, and taught them to understand that the annuity, *imposed on the rich, and in proportion to the value of their houses*, was just designed as the means whereby they and their children were to hear the Gospel *for nothing*, these poor men, in crowds, would have fought for the Church of Scotland as their dearest and only spiritual benefactor, and for the rights of the ministers as for their own. But, because the ministers looked on unmoved, and looking at the annuity, did not cry out, although men were plundering their people, the greedy and cunning oppressors have not found it difficult to divert the just wrath of these people from themselves, and direct it—against their best inheritance, if it were properly applied, and against those who should have been the fearless assertors of their rights. Dr Chalmers was the first to tear off the mask, to dispel this monstrous delusion, and by his eloquent expositions and denunciations of the guilt of the magistrates, to turn the tide of popular indignation into the right channel.* In consequence of the impulse thus given, some able and public spirited men † have raised a prosecution against the magistrates, in the Court of Session, for the purpose of having them compelled to relinquish, nearly, if not altogether, the exaction of seat rents, and suffer the parishioners to enter their own parish churches. They have subscribed a large sum for the purpose of defraying the expenses of the action. Meantime, the seat rents are somewhat lowered, but it is by mere fractions, and chiefly in the less frequented churches; but a number of ministers are springing up in Edinburgh, who seem determined to fight for the true spiritual rights of the poor, and a church is about to be erected, in which no less *than six hundred and fifty of the sittings are to be entirely free.* This is, without doubt, only the beginning of reformation, and of the reestablishment of the good old parochial free-gospel system in Edinburgh, and of the entire driving out of the buyers and sellers. We give the magistrates credit for their conduct in regard to this church, but some of them manifest evident uneasiness at the lawsuit; some of them, in fact, dare not speak of it, espe-

* "The Evils which the Established Church," &c.—Anderson, North Bridge.

† The people of Edinburgh are particularly indebted to George Ross, Esq., Woodburn, whose zeal in this cause is beyond all praise.

cially those of them who extol what is fancifully called the "Voluntary system," or "the privilege of paying,"—they have delayed, as long as possible, in closing the record,—some persons have actually, as in desperation, endeavoured cunningly to anticipate the decision of the Court, by obtaining an Act of Parliament *legalising the exorbitant seat rents*—and it is currently reported, and from good authority, that amongst other extraordinary suggestions, a proposal has been made by some parties to *bribe off* the action, by offering to reduce the seat rents by £1000, or even £1500 a-year, if it is given up. But all in vain—the action is proceeding—the record is closed, and a decision will very soon be pronounced by the Lord Ordinary.

There is just one other point to which we think it proper to advert. We are clearly of opinion, that neither in point of law nor equity, have the magistrates of Edinburgh a right to a single farthing of seat rent in any of the churches. For the support of the ministers seat rents are not required, and to that purpose they cannot be devoted. They are supported by the annuity tax, to give up which would only be to confer a boon on those who have no right to it; whilst by continuing that impost, no man has any just right to complain, and the poor may be supplied with a free Gospel. The only other charge consists, not in the erection of churches, (for Mr Johnston has proved, that, in so far as these have cost the town any thing, its funds have been far more than repaid,) but in the current expenditure of the churches, which amounts to about £2000 a-year, or a larger sum than the whole seat rents amounted to at the beginning of this century. But for the purpose of meeting this charge, we are anxious to have no recourse to seat rents, both because these, in parish churches, are illegal in every form; because, if they are to exist, the parochial system cannot be carried out, inasmuch as paying any money at all invites preference, and strongly and necessarily tends to derange the parochial system, whilst every thing should be done to make that system efficient; and because, if seat rents are suffered to remain at all, they will infallibly increase again when the action is forgotten, to their former amount, in the face of law, as they have done already. There can be no difficulty, besides, in paying the £2000 a-year. 1. Although it is paid from the common good of the city, what can be more just and Scriptural? But, 2. The common good was enriched of old upon the express condition that the magistrates should "for ever" defray from it the ecclesiastical expenses. Why then should they not defray part of them? 3. The magistrates have gained by the

Church in Edinburgh £100,000, for which they have never accounted. This would pay the current expenses for fifty years to come, or, as a capital, for ever. 4. The collections at the church doors, swallowed up in the vortex of the Charity Workhouse, and for the benefit of all the citizens alike, who are thereby saved an assessment of so much, amount to £2000 a-year. Therefore, it is most just either to take this sum, (if the poor are not to be supported by the old system, which we should greatly prefer,) or a similar one from the common good, to pay the current expenses of the churches. On this head there can, therefore, be little difficulty.

Let the reader now only pause, and contemplate the monstrous evils which result at this moment in Edinburgh from seat rents, and the glorious results which would immediately spring from the downfall of the present system of merchandise. Some of the present evils are these:—

1. Between "40,000 and 50,000"* of the poor, by means of this and other evils, are entirely driven from the House of God, or a number as great as the whole population of Edinburgh amounted to at the time of the Union.† In other words, by a dreadful process, the magistrates have contrived to sift out and leave, as a vast neglected ignorant mass, nearly the whole poor of Edinburgh.

2. You see almost no children or servants in the parish churches of Edinburgh, as in our glorious free family pews in the country churches of Scotland; and if strangers, servants, or students, go from the country, they are often rudely treated by the doorkeepers of our fashionable churches, and left to wander where they please on the Sabbath-day.

3. The rich who live in St Cuthbert's parish, in Newington, Inverleith Row, and the other handsome suburbs of Edinburgh, come in, and take the seats for a price which are the rightful and exclusive property of the poor in the city. Those that are exempted from the annuity tax, by their residence, come in and expel from their own churches those who are forced by law to pay that tax, and thus is gross injustice committed, and the parochial system completely overturned.‡

* First Report of the Religious Instruction Commissioners.

† Dr M'Crie's evidence on Patronage.

‡ It is asserted by Treasurer Maclaren, that out of the nine Old Town parishes, with a joint population of TWENTY-FIVE THOUSAND inhabitants, only ONE THOUSAND AND SEVENTY PERSONS have seats in any Established Church, and only THREE HUNDRED AND TWENTY-FIVE PERSONS!! have seats in their *own parish churches*. He should have been ashamed to mention a fact so disgraceful to the magistrates.

4. The money thus obtained goes not to the support of the ministers, and very little of it towards paying the expenses of the Church. It is not devoted towards sending the Gospel to other lands, or building churches in our own; but all this unholy traffic, this driving of men to the gallows, this suffering of immortal souls to perish for lack of knowledge, even at the time when they are made to pay for an instruction which they never receive, is carried on for the purpose of defraying the ordinary secular expenditure of the city of Edinburgh.

5. As the necessary result of all this, the ministers generally attend more to their congregations than their parishes; and the poor of Edinburgh being miserably immoral and degraded, many of them look with hatred at the Establishment, which has neglected them.

6. Popery and infidelity graft themselves on this mass of ignorance and heathenism; whilst pauperism, crime, and every evil, are found to prevail and increase with alarming rapidity.

On the other hand, were the downfall of seat rents in Edinburgh proclaimed to-morrow, as we have no doubt it will be soon, a whole host of glorious results would spring up.

1. The death-blow given to this master abuse, making it reel and fall at the centre and head quarters of the Establishment, would be felt through every corner of Scotland, and the people would every where refuse to pay such illegal demands.

2. All the inhabitants of St Cuthbert's parish would be forced to quit the city churches, and to erect, as many of them are rich, churches for themselves, and seek, as they would do, additional endowments.

3. Every man within the Old Royalty would be entitled, so far as the accommodation went, to a pew for himself and his family, and at every vacancy, (if justice were done) to the choice of his own minister in addition. There might be 18,000 sittings for those within the Old Royalty, and all free, nor any dreadful grinding obligations like those incurred by every man who sits in a meeting-house that is, as most of them are, loaded with debt.

4. The ministers would become parochial, and would visit the poor equally with the rich, in consequence of which, all jealousy would pass away, and the kindly intercourse of pastor and people would universally be seen and admired.

5. Much of the money at present levied for seat rents would be poured into the coffers of the General Assembly's Home and Foreign Missions, and would assist in evangelising the world. It would employ upwards of 30 ministers at £200 a-year each,

whilst immense sums would be saved to the nation in consequence of diminished crime and pauperism.

6. The hatred of endowments would die. Men would see them to be a boon, not to ministers, but to the poor, and to be fraught with blessings to those who otherwise must perish for lack of knowledge. The Established Church, as the poor man's true friend, would become, as of old, universally popular in all cities, and a kindly feeling would prevail between rich and poor, who thus would meet together every Lord's day, to worship the Maker of both.

7. Popery and infidelity would be robbed of their ignorant victims, as of old, by the diffusion of universal, wholesome, Christian instruction, and the many quacks who now deceive the ignorant, and live by doing so, would be scared away like owls at the approach of day.

8. Scotland would again become a delightsome land, full of the knowledge of the Lord, of holiness and peace; and from her, as from an illuminated fortress, Christian truth would radiate, to dispel the darkness of a surrounding world.

Before concluding this chapter we are anxious to confirm our general position, by calling attention to the LAW OF ENGLAND, which is quite clear and express against seat rents in parish churches, either in town or country. The principle of their Church law, indeed, is precisely the same with that stated by Erskine; and the reason of it, and the source from whence it was derived, precisely the same with ours; the only difference being, that the English people have all along fought against any usurpation of their rights on this subject, however they have succumbed on others, and have had clear-headed judges, who have put down every attempt at aggression on the part of traffickers; whilst the Scotch have suffered their privileges to be trampled under foot, and the Gospel every where to be bought and sold for money. The law of England on this subject will be found in the following statements of Burns' Ecclesiastical Law, (vol. i., p. 829–30,) "Because *that the church is dedicated to the service of God, and for the use of the inhabitants*, and the seats are erected for their more convenient attending upon divine service, the use of them is common to all the people that pay to the repair thereof." "A seat may *not be granted by the Ordinary to a person and his heirs absolutely*; for the seat doth not belong to the person, but to the inhabitants, otherwise, if he and his heirs go away and *dwell in another parish, they shall yet retain the seat, which is unreasonable.*" From this it clearly appears, not merely that it is illegal to sell or let seats in the parish churches of England, but

that this provision in the law, as in that of Scotland, arose from a desire to hold sacred the House of God, and to maintain entire the parochial system.

The following facts, taken from a London periodical, will prove abundantly that this law is vigorously acted upon in England down to this day, although men are anxious to violate it:—"PEWS IN CHURCHES.—As it has been a constant practice to sell and buy pews in ancient parish churches, we think it may be worth while to state that the practice is totally contrary to law, and that the seller can give no title.' ('There is no such thing in law,' says Anderson, 'as selling pews.') 'There is one clause in this faculty,' says Sir William Scott, in Stevens *v.* Woodhouse, 'which is plainly illegal—a permission to parties to sell seats; this is a practice which may have prevailed frequently, but it has been constantly discountenanced by this court. Pews may be sold in chapels which are private property, but in old parish churches such acts are contrary to the law of the land.' Dr Phillimore says, 'It appears that the pews in this church have been bought and sold, and bequeathed by will; and that the grantee has considered he might deal with them as with an estate held in fee-simple. These notions are perfectly erroneous. The sale of pews in a parish church is invalid and illegal. As it is unlawful for private individuals to sell, *so it is unlawful for them to let pews.* The disposal of the pews rests with the churchwardens, who are the officers of the Bishop.' 'It is evidently an illegal custom,' says Sir William Scott, 'that pews appurtenant to certain houses should be let by the owners to persons who are not inhabitants. If a pew is rightly appurtenant, the occupancy of it must pass with the house.'"

Again, "At a visitation by the Bishop of Lincoln, at Boston, last week," said the London Standard of August 14, 1837, "the churchwardens having represented that 'several parishioners had made application for pews, with which the churchwardens had much difficulty in complying, *owing to a considerable number of pews being claimed as private property, and bought and sold as such*,' a long conversation ensued on this subject, in the course of which both the Bishop and Chancellor expressed their *surprise that such a system should have existed, and declared that the sale or letting of pews was altogether illegal.*" Again, the same paper, January 3, 1838, contained the following correspondence. The principal churchwarden of St. Mary's Church, Leicester, wrote the Bishop and Chancellor of the diocese, asking, whether he would be "right or wrong *by letting the pews, at a certain rent, to such as may*

*voluntarily be inclined* thus to participate in the services of St Mary's." This is certainly very softly expressed, and conceals, as well as possible, the cloven foot of evil, which this gentleman was about unwittingly to introduce, but the answers given are firm and peremptory.

" *Buckden, Dec.* 3, 1837.

" SIR,—In reply to the question put towards the close of your letter, I beg leave to say, that *the churchwardens do not possess the power of letting the pews at a certain rent.* The authority is vested in them of *assigning sittings to the parishioners, but they cannot set a price upon those sittings,*" &c. &c.

" J. LINCOLN."

" *Normanton, near Stamford, Dec.* 8, 1837.

" SIR,—*I cannot advise you to let the pews.* Sir John Nicholl has said, '*pews* in a church belong to the parish for the use of the inhabitants, and cannot be sold or let without a special Act of Parliament,' (see case of Wyllie *v.* Mott and French, Haggart's Reports, i. p. 29.) There are other cases, where *the letting of pews has been deemed* ILLEGAL EVEN TO DEFRAY THE EXPENSES. By the 58th act of George III., in new churches pews may be let, *but in old churches this cannot be, &c.*

" THOMAS KAYE BONNEY."

This is certainly explicit enough; but as the case to which the Chancellor refers is of much importance, and was decided only last year in the Ecclesiastical Court at Doctors' Commons, and, moreover, exhibits a clearness of perception, and a sound masculine sense on the part of the judge, which cannot be too much admired or imitated, we shall quote it here at some length:

" WYLLIE *v.* MOTT & FRENCH.

" This cause was brought by letters of request from the Commissary of Surrey, and was promoted by Alexander Wyllie, alleging himself to be a parishioner and inhabitant of the parish of Thames Ditton, *v.* John Mott and Robert French, churchwardens of the parish, citing them to show cause why he should not be reinstated in the possession and occupation of a pew in the parish church."

" *Judgment of Sir John Nicholl on the debate.*

" This suit is instituted by Alexander Wyllie, a parishioner and inhabitant of the parish of Thames Ditton, against John Mott and Robert French, churchwardens, for disturbing him in a seat which he occupied in that church, or, as it is technically

called, for perturbation of seat. The libel sets forth all the history and circumstances of the case, and, among other matters, the history of the building of a gallery, with additional pews in that church, the allotment of these pews *in consequence of a purchase and sale, and subsequent transfer by bequest, and letting, all which modes of acquiring must be, and have been, acknowledged by the counsel to give* NO LEGAL TITLE. Seats in the church belong to the parish, for the use of the inhabitants, and, by law, CANNOT BE SOLD NOR LET WITHOUT A SPECIAL ACT OF PARLIAMENT FOR THAT PURPOSE. The question then is —Whether, by amending his plea, he can set forth such a title as would justify the interposition of the court in his favour.

"The *first* article pleads, that the church of Thames Ditton being insufficient for the accommodation of the parishioners, it was agreed at a vestry, held 13th July 1809," (nearly twenty-nine years before,) "to build a gallery, that a faculty was obtained, and a gallery erected. This, as introductory, is not improper.

"The *second* article states, that the *churchwardens and vestry sold the seats ;* that the pew No. 4 was sold to Mrs Mott for £17, 10s., and *a receipt given by the vestry clerk ;* that No. 5 was sold to Lady Sullivan, and a receipt also given, and it exhibits the former receipt dated in March 1811. *This is alleging what from the beginning to the end was* AN ILLEGAL TRANSACTION, and can furnish no ground of title. *The money can only be considered as voluntary contributions and subscriptions towards the building,*" (this statement is as applicable to all the traffic in the parish churches of this country.) "*The sale and purchase do not improve, they rather operate against the claim,* because, *if a party seeks to form his title on an illegal origin, it goes far to justify his removal.* I reject the whole second article."

Under article *fourth* Sir John says : "All that *refers to the agreements and payments must be struck out as irrelevant and illegal.*"

Again: "In respect of the *payment of rent* by Wyllie to Lady Sullivan, and by Loudon to Wyllie, it *stands on no legal foundation. They have paid it in their own wrong, and it is their own fault if they pay any more. It is an illegal practice which this court can never sanction or approve.* The gallery and pews belong to the parish, for the use of the inhabitants; and the churchwardens must exercise a just discretion in allotting them. If they exercise that discretion improperly, the Ordinary will set them right, after having heard all parties. I reject the second and fifth articles."

There is an extraordinary grasp of sense, and sound knowledge of the true principles of an Established Church, in this decision.

—a going up through all its muddy windings, to the clear and unadulterated source of British law, in regard to churches, and the true purposes for which they were erected, and a vigorous repelling, as illegal, of every thing by which the fundamental design of such edifices is frustrated. If our lawyers would only lay aside their nice distinctions, and take an equally broad and strong hold of the fundamental principles of law, the decision of such questions would at once be clear as day,—the seats would be given free to parishioners, and the tables of Mammon, whether for selling or letting, would at once be turned out of the sanctuary of God, as we believe they will be, never more to return. If an act could be passed, vesting again in the kirk-sessions the power still exercised by the churchwardens in England, of disposing of the seats as the people of the parish shifted, (and this might be obtained,) the Reformation would be complete and most salutary. For surely it is passing strange, that "only in Scotland, a country in which a Church is established that considers itself the most reformed of all the Churches of the Reformation, and chiefly in the metropolis of Scotland, (where another fund is also provided for maintaining the ministers,) the Churches of the Establishment, which are in every other country open to the poor, are, by exorbitant rents, in a great measure, shut against them; and that merciful constitution of Christianity, which its great Founder marks as one of its distinguished characters, is to a great extent opposed,—that 'to the poor the Gospel is preached.'" *

## CHAPTER III.

### SEAT RENTS BROUGHT TO THE TEST OF REASON AND EXPERIENCE.

We take for granted that there can be no seat rents in any *really Voluntary* Church; and, it is quite clear, we apprehend, that every argument by which an Established Church is defended, is conclusive against seat rents. Indeed their condemnation is involved in the very definition of an Established Church—for such a Church is one upheld by the Nation for the good of all. It can never be intended that every individual and congregation is separately to pay still, especially to unauthorized persons, and for purposes which have no connection with Christianity—for this would be to make them pay twice; first, as citizens of the Nation,

* State of the Question, &c., p. 24.

and then, as members of the Church. Such a double payment, so far from being an advantage, must be a mighty evil, and we cannot imagine how an Established Church can be proved to be a benefit on such terms. To have a universal diffusion of the bread of life in such a way, that those who distribute it can say, "We seek not *yours* but *you*," we can easily see to be a most glorious and Christian arrangement, especially for the poor, and one which may be most unanswerably defended; but the moment that individual, and often enormous payments are also introduced, the whole working of the machinery is impeded, and its beauty destroyed. To descend to the separate arguments by which an Established Church has been defended,—

I. Is it maintained, incontrovertibly, on grounds of Scripture and reason, *that kings and magistrates ought to be nursing fathers to the Church of Christ, and thus promote the best interests of the people in time and eternity?* We have already proved how inconsistent seat rents are with the proper discharge of this duty. But the mockery becomes enormous when we find magistrates in all our cities selling Christianity to the people at a higher price than ordinary traffickers. Presuming on the superior respectability which the Established Church derives from official influence, men are actually required to pay a larger sum for it on that account, instead of receiving it on that account for nothing: in other words, the magistrates not merely sell Christianity at as high a rate as possible, but they cast their official influence into the scale, and sell it in addition. Instead of supporting Christianity, they make Christianity, to the very uttermost, support them. Instead of giving their influence to Christ's cause, they sell Christ's cause and their influence together. This is the very climax of the enormity, and not only casts practical discredit on our arguments, but makes people imagine that there would be a cheaper and more universal Christianity in the land if magistrates were separated from it altogether; whereas, by sweeping out the seat rents from all our churches, the inconsistency would be cleared up at once, the Gospel would flow out amongst the poorest of the people, and the beauty of our argument would be at once perceived and experienced. But,

II. Have not those by whom an Establishment of religion has been most effectually defended, rested its defence on this, that it is *the only method by which to reach the whole community, especially those unable and those unwilling to pay?* Now, we beseech our readers to consider, how either of these two classes can be reached,

if one farthing is asked in name of seat rents. The very peculiarity of these men, in consequence of which the usual laws of political economy are reversed in their favour, is, that they must not only receive Christianity for nothing, but have it thrust on their acceptance. And, if it could be proved that they preferred to pay for Christianity, or, that they could or would pay for it at all, this whole argument would fall to the ground. It is vain to speak of having a corner of the church free for these. Careless men would make this very "pauper corner" the reason of their absence from the house of prayer; besides, the very theory which we are considering, assumes that the provision is to be made by the nation for the instruction of all, and mainly for the instruction of such careless persons. Hence Dr Chalmers, the most eloquent of all the Church's defenders, and also the most eloquent denouncer of our city seat rents, makes the following statements:—"So indispensable in towns is the connection between these two things, that were seat rents let down at this moment to two shillings over-head, *or even annihilated*, so as to throw open the whole of the church room at accessible prices to the lowest of the people, we shall greatly mistake the result if we look for a great and visible increase of attendance." "To reduce the seat rents *is but to remove an obstacle* in the way of the popular movement, not to give an impulse or to impress a direction on the movement itself." Again, "they (the poor) will not consent, and I cannot blame them, to be either pilloried near the roof, in an upper tier of galleries, or squeezed into the odds and ends of acute-angled seats, or stuck behind pillars, or penned together in the darkest and most distant places of the fabric, or ranged in forms along the sides of passages, where they must either draw up or compress themselves into narrower dimensions, that the aristocrats of the congregation may have sufficient largeness and liberty, when stalking by to the commodious sittings, *from whence themselves have been dispossessed.*"* In like manner, Mr Buchanan of North Leith, a decided enemy to seat rents, in his able treatise on Church Establishments, makes the following statement:—"If religious instruction be an object of national importance,—if it be necessary and desirable that it should be *provided for all*, however *unwilling some*, *and however unable others* may be to provide it for themselves, it is surely expedient that a regulated system should be organized," &c. Again, "in respect to the people, it seems to give the best security that *no family*, *whether rich or poor*,

* The evils which the Established Church in Edinburgh has already suffered, &c., in virtue of the seat letting being in the hands of the magistrates. By Thomas Chalmers, D.D. John Anderson, North Bridge. 1835.

*decent or profligate, should be neglected or overlooked;* and more especially to be adapted to the necessities of those who, having no sincere desire for sound religious instruction, were *not likely, of their own accord, or by a spontaneous movement, to place themselves under his pastoral care.*"* The following statement by Mr Lorimer of Glasgow, in his most admirable lecture, is to the same effect:—"The grand design of a union between Church and State, *apart from which, it is not worth the trouble of a controversy*, is publicly to recognise the revealed truth of God, and provide means that *the whole body of the people*, EVEN THE POOREST, *shall have the Gospel brought near them, and thrust upon their acceptance.*"—(Edinburgh Lectures, p. 5.) Again, Mr Gray of Perth, in his powerful lecture, makes the following statement:—"The Church of Scotland *is the Church of the poor, because she asserts the right of* EVERY SCOTSMAN *to religious instruction and Christian privileges, whether he can pay for them or not.*"—(Edinburgh Lectures, p. 28.) Mr Bennie of Lady Yester's, in an eloquent sermon "on Christian Benevolence," states with great force, and in the same spirit, what should be the true nature of a Christian Church: "The salvation of the Gospel," says he, "is *a common blessing*. With respect to it, the pride which delights in special privileges, the vanity which pleases itself by pretensions to personal superiority, the selfishness which clings to unshared substance, can have no place. *In the Christian Church, as in the grave and at the judgment-seat, the rich and the poor, the high and the low, meet together, and upon* EQUAL TERMS."—(Sermon, p. 16–17.) Multitudes of similar statements, glowing with enlarged views of the Gospel economy, and the adaptation of our Establishment to the accomplishment of its high and glorious designs, are to be found in the pages of all works in regard to the Established Church. But, of course, the writers are deeply convinced not only that in all our city churches such views are not in practice realised, but that, in fact, the thing there is all a dream, and hence our arguments do not tell. It is not the Church as *it is*, but the Church as *it was*, and as it *ought to be*, for which they so eloquently contend. And it is quite clear, as these excellent men are well persuaded, that the principles embodied in these statements, would not only go to sweep away all restrictions whatever, and to throw the gates

* See Prefatory Discourse (p. 79, 80,) to "Lectures on Civil Establishments of Religion, delivered in Edinburgh by several distinguished Clergymen and others."—John Johnstone, Hunter Square. The whole volume contains a splendid argument on the important subject to which it relates, and should be in the hands of all Churchmen.

of God's House wide open to the poor, but in addition to this, to apply a vigorous and unsought stimulus to the inmates of all the habitations of carelessness in the land. If, therefore, these things are not done, in so far as the Church of Scotland can do them, our argument for an Establishment, mighty and unanswerable as it is, will only recoil upon ourselves; for, it will convince the poor that we know their wants, although we take no pains to have them supplied,—that we know our duty, although we do not set our faces like a flint to discharge it.

The necessity of a free and unfettered Gospel, if any progress is to be made amongst those that are dead in sin, as well as destitute of this world's goods, is clear, as the writer of this can testify from much observation and experience. Let any man only go to the habitations of the careless poor in any of our great cities, and tell them to come to the House of God,—let him just look round the bare and desolate walls of their miserable dwellings, and see their tattered and famished children, and just try if it will do to speak of the privilege of paying for the Gospel there,—just try if it will do to mention that your seats are cheap,—just try if your tongue does not cleave to the roof of your mouth, if, instead of preaching to the poor a free Gospel, you are forced to confess that they are debarred from your Church, unless they bring money in their hand—money! when they will tell you that they have no money, that they would rather receive than give, and that their last farthing is required to purchase bread for their starving children. Here is the grand test of your system. Here is the very case that endowments, by the theory in question, were especially designed to meet. The disease and the remedy are now in contact; and surely you do not mean to insult the man's poverty by telling him that you will give him a pauper sitting, or send him to the missionary station? Where is your argument now, we demand, for an Established Church, when you are obviously, and confess yourselves to be incapable, owing to this hateful system of taxing the House of God, of reaching the very class for whose benefit you are especially upheld?

Do you ask how the evil is to be cured? In an instant I reply,—By clearing out all the toll-bars from the areas of our churches; by breaking up the overgrown parishes, and enabling every minister to go to every dwelling and tell the people that a seat is waiting them in the parish church,—to knock at every door, and ask the poor, and the halt, and the lame, to come in, that the House of God may be filled,—telling them, that though stripped of every other inheritance, they can never, except by injustice, be deprived of a place and a name in the courts of

God's House; by making all our clergy visit and preach to the poorest as well as the richest in their parishes; and, instead of wandering for illustrations of the parochial system among the glens and hills of Scotland, by making that system come in, and be seen in all its glory in every city of the land; nay, by restoring the ancient system of deacons, and making them go to the cottages of the poor, carrying "the bread which perisheth," to be followed by him who, as the ambassador of heaven, carries "that bread which endureth unto everlasting life."

III. Is it justly maintained, *that if a minister of the Gospel is dependant on those amongst whom he labours, he is in danger of accommodating his doctrine and discipline* to their tastes, rather than to the standard of God's Word? Must the captain be independent of his troops,—must the judge be removed from improper influence if he would hold the scales of justice with a steady hand? But how is this to be secured if the ministers, although secure of their stipends, are set up to the highest bidder from year to year, by public advertisement?—if the result of their popularity, or the reverse, is proclaimed in all the newspapers?—if discredit is endeavoured to be fixed upon them by the magistrates themselves, if their seats are not all let, and if their churches are not profitable speculations? Where is the independence here?—where the absence of temptation?—where the inducement to be faithful in denouncing the transgressions of the rich, and seeking out the poor, who, although they have no money, are in danger of perishing everlastingly? If the seats of a minister's church are *occupied* by his parishioners, it is all the more creditable to him if the occupiers are poor; but so long as seat rents exist, a minister will be valued like any other merchandise, according to his market price, and there will always exist the very temptation which, amongst other reasons for its existence, an Established Church was designed completely to remove.

IV. In all sound arguments for an Established Church, is it always taken for granted that *the civil magistrate, whilst he supports the Church, is to leave it perfectly free to follow out the commands of Christ, as contained in his Word?* Is this a grand doctrine, for which the Church of Scotland has always contended, sometimes even to the death?

Now, if the magistrates of towns dictate to the ministers to whom they shall preach the Gospel, even in opposition to the express command of Christ, is it not our duty, by every lawful means, to reassert our freedom? Christ commands us to preach the Gospel to every creature. The magistrates say,—No; we

shall not suffer you to preach to any who are unable to pay. As well might they prescribe the terms upon which any man shall receive the Lord's Supper, because they provide the Communion elements. We revolt at once from such a thought;—but yet, in point of fact, they do debar multitudes of poor from the Communion table, by debarring them from that attendance on the House of God without which they cannot, in ordinary cases, lawfully receive the Sacrament. Now, just as all who are externally Christians are commanded to come to the Lord's table, so all sinners are commanded to come and hear the Gospel. The Church of Christ is bound to invite them to come in, but the magistrates stand at the gate of the sanctuary and prohibit them. Here, then, is direct collision,—just as there is also in all taxed churches of every kind. These magistrates have clearly as good a right to send the parish beadle with the minister from house to house, in his parochial visits, and not suffer him to enter until the people have paid; for if they have a right to sell his sermons, they have surely as good a right to sell his visits and his prayers. Now, just imagine that a poor man were dying, and that the minister was forbidden to pray with him because he could not pay the dues demanded by the magistrates, what an indignant outcry would burst from the people at such an occurrence; and yet it would be a far less evil than the present,—thousands of poor careless immortal souls quietly dying daily around him, whom he cannot invite to come in and hear the Gospel, by which they might be saved, because the magistrates have locked the gates of the House of God, and declared that they shall only be opened by a golden or silver key.

Hence our sagacious ancestors, who were certainly giants in discernment, asserted the power over the area of the kirk to belong to the kirk-session, as well as power over the Communion table,—the power of saying authoritatively who were to hear the Gospel as well as who were to receive the Sacrament. Dr Chalmers, with admirable sagacity, asserts the very principle of our ancestors when he maintains, that the Established Church suffers evil "*in virtue of the seat letting being* IN THE HANDS OF THE MAGISTRATES;" as will be clear, not merely from the general fact that the kirk-session did exercise control over the areas of the churches, but contended for that as part of the liberty of the Kirk,—as is clear from such quotations as the following:—The magistrates of Perth, in 1645, having removed a seat in the church without the authority of the kirk-session, the matter was referred to the presbytery; and, after hearing both parties, they resolved, "anent the *unorderly extraction of a seat forth of the kirk, without warrant of the kirk-session,*

whereof complaint hath been made to them," they "do now require the *said abuse* to be redressed, without prejudice to the power of kirk-sessions, and other kirk judicatories, *to whom the power and privilege in such cases belongs;* with certification, that if the party renew his complaint, they will be forced, out of duty, to take the said matter to heart, proceed and determine therein, as competent *judges, for preserving of the* TRUE LIBERTIES OF THE KIRK JUDICATORIES, *in like cases*, and the answer of the Council of Perth hereanent to be returned." And further, April 2, 1645, they "appointed Mr Robert Murray to preach at Perth on next Sunday, and *in his sermon to press upon the Council the duty of giving obedience* to the said ordinance *anent the seat in the kirk*, and other mat ters." (Presbytery Records, June 18, 1645.) Not only did our ancestors most properly insist on possessing this power, as part of the necessary liberty of a free church, and *as it is at this moment possessed by the Church of England;* but in the exercise of it, unlike any other church, even in the midst of their poverty, they nobly abolished all pecuniary demands whatever, except donations for the poor. Under the ancient system of Popery, from a man's cradle to his grave, he was beset with demands. A fee at his baptism, a fee at his marriage, a fee at confession, a fee at mass, a fee when sick, a fee when dying, when buried, a fee. Our ancestors swept away at once the whole of these charges, and introduced a free and untaxed Gospel. They administered baptism for nothing, marriage for nothing, the Lord's Supper for nothing, the preaching of the Word for nothing, and gave a place in the church-yard, and attended funerals, for nothing. The Church of Scotland was truly the poor man's Church. But mark, when the magistrates seized the power, they not only introduced fees again, but they introduced them at the very place where they were most certain to derange and render inefficient the whole economy—at the very place where Popery, with her many demands, was too cunning to introduce any charge whatever, viz., at the very threshold. She made the trap wide open for the victims to enter, and it was only after they had fairly entered, that she proceeded to fleece them. She knew that, when a man was married, he would be willing to pay; when he became a father, he would give his money; when his conscience was to be unburdened, he would give liberally; when he was about to die, he would even part with all; but at the threshold all was, and still is, free in Popish countries.—"The children of this world are wiser in their generation than the children of light." We have suffered such a barrier to be placed at the very entrance of the House

of God, that the poor never seek to enter, and the Papists are seizing upon those thus scared away from the fold of Christ. Never, till the doors of God's House are thrown wide open again, and till kirk-sessions are re-invested with their ancient authority, shall the evil be cured. And besides, what is the use of contending for the independence of the Church, in the appointment of ministers, if, after they are appointed, the people are not permitted to hear them?—nay, if, in very proportion to the wisdom of our choice, we raise up high barriers at the gate of the sanctuary? Our ancestors contended for the truth in all the extent of its just application.

V. Are we in the habit of comparing the Established Church *with other public institutions, and inferring its great superiority in every respect?* No one can be more deeply convinced than the writer of this is, of the force of this argument; but to make it be felt by the common people, seat rents must be utterly abolished. Take at random any public institution. The highways of the kingdom are so arranged, that the poorest man can walk along free in every direction. Even so, by means of the Established Church, the highway to heaven was set open to all our people. But the benefit, in both cases, is destroyed, and a just outcry must be raised, by the putting up of toll-bars. The watchmen of the city, guard the poorest as well as the richest districts, without any additional tax, and no one complains. So should the watchmen of Zion. The lamps of the city are placed not merely where there is the golden oil, but at regular intervals all over the city. If these lamps were only planted where the people could afford to pay an additional tax; or if, whilst *they professed to be for the good of all*, by some satanic device they glared upon, and guided the footsteps of the rich, whilst they left the poor to stumble on in darkness still, a universal outcry would arise. So must it be with those who are set for "the lights of the world," if the thing is to be understood. The soldiers upheld at a nation's expense, are ready to march wherever their services are required, whether by poor or rich. So should the soldiers of the Captain of Salvation.

But the institutions by which the superiority of a National Establishment of Christianity is generally illustrated, are those set up for the punishment of crime. "Prevention," it is justly said, "is better than cure;" and a universal diffusion of Christianity would no doubt prevent nine-tenths of the crime which abounds in this country. Moreover, the law of the land assumes the existence of a universal knowledge of right and wrong amongst the people; and it is no doubt cruel, first to leave the people

in ignorance, and then to punish them for being found in that state. This is admirably put by Graham Spiers, Esq., advocate, who is a decided enemy to seat rents:—" I speak from my own experience, when I say, that I have seen instances where the lives and properties of men holding the Voluntary principle, may come to depend on the knowledge, and understanding, and the belief, of a poor man, of those great principles of religion on which the oath which they take in a court of justice is founded. *From the king on the throne, who swears at his coronation to observe the principles of the Constitution, down to the poorest man who walks the streets, the Constitution presupposes a knowledge of religion*, and an obligation resting on that knowledge, and there are instances in which *punishment has been inflicted for the want of it.* Every day, men are brought forward in courts of justice and an oath prescribed to them, founded on the principles of religion, and *how are they to understand the sanctity of that oath, and the obligations it imposes, unless the Gospel be preached to them?* And if the Gospel be not preached to them, and they do not understand that oath and the sacred obligations it imposes, is it fit that they should be punished? And yet, if they do not conform to that obligation in their testimony, *they are subjected to the punishment of perjury.*" (Speeches at a public meeting, April 1835. Fraser and Co.) This of course implies, that Christianity should be carried, *without charge*, to the lowest and poorest, and most degraded man who walks the street, *for in that way only shall it reach many at all*, whilst punishment easily and certainly reaches transgressors every where, at the public expense. *If justice were taxed* in the same way as the Church is, it would never reach the criminal. But the judges and the jails, and the whole apparatus of punishment, are so arranged, that those who transgress the law are seized, imprisoned, tried, condemned, banished, or hanged, entirely at the public expense, and without any cost to themselves. Now, if churches are to be as efficient in preventing crime as jails and judges are in punishing it, they must be put on precisely the same footing, if there is to be any just analogy, and must, with equal certainty and precision, be brought to bear upon all. Why should there be a drag on the wheel of mercy whilst there is none on the wheel of justice? If any thing could make us think hardly of the law of the land, it is this:—that the poor are left to fall into sin—that no one goes to their houses to warn them—that crime is, in fact, made necessary, for although we have in our towns the mockery of an Establishment, it never reaches the poor, its gates are nailed up, but the jails stand open—the messengers of justice are every where—the gallows stands ready prepared.

If you really did, instead of speaking of it, throw open the gates of the Church, like the arms of Jesus, like the gates of heaven, the gates of the jails would be closed. To use the eloquent language of another, " Only let the House of God cease to be a house of merchandise, and the dark places of the land and the lanes of our cities will cease to be dens of thieves."*

VI. We only remark, further, that Church Establishments are sometimes called *great home missionary enterprises*, and on that ground, in so far as theory goes, their existence is completely vindicated. But when we turn round to all home missions, we find that the missionary is *unfettered by the necessity of making any pecuniary demands upon the people*. He acts entirely on the principles set forth in this pamphlet. And no more decided testimony to the soundness of these principles could well be afforded, than the universal employment of such missionaries by Christians of all denominations. It is a clear admission on their part, *that their taxed churches are not able to reach down to a vast under-current of heathenism*, which they, therefore, endeavour to overtake by this new expedient, founded, not on the principles of paying, but on those of a free Gospel. Whether they are entitled, on the one hand, to separate two things which Christ has united, viz.: The offices of pastor and missionary, by sending forth a man who is merely a missionary, and who never designs to be a pastor; or, on the other, to turn the poor into an outer court, and hand them over to the inferior services of missionaries, whilst the rich are brought into handsome churches to hear more accomplished ministers, are questions of deep and urgent importance. But the adoption of such a method at all, proves not only the true nature of a missionary enterprise as opposed to seat rents, but its vast importance and absolute necessity. And if the Established Church were really placed on the same footing, no defence of it would be necessary, it would proclaim its own praise. Here, it may be of importance to quote the testimony of Dr John Brown of Broughton Place, in other days, when there was no inducement to conceal the truth to the vast importance of churches in cities, without seat rents, *as the great means of accomplishing what home missionaries are now set to effect*, which is, in fact, one of the strongest testimonials in favour of our Established Church : " There will remain a mighty mass of population, who, *from their ignorance and immorality, most of all need religious instruction, but who, for the very same reason, are not likely to make any exertion in order to obtain it.*" What shall be done for these ? " Let large," says he, " but plain places of worship be erected for their

* The Rev. Mr Roxburgh of Dundee.

accommodation." In speaking of *large* places of worship, the Doctor makes it clear that he is not very fully acquainted with the parochial system. Churches in towns are often much too large; but let that pass. "Let the whole influence of the better classes of society be employed to induce them to attend at these places, *and there let the Gospel be preached to them*, WITHOUT MONEY AND WITHOUT PRICE. On the man who shall successfully interpose in behalf of this most degraded and profligate class of society, the blessings of many, ready to perish, will come; multitudes of souls, apparently hopelessly lost, will be saved from death, and a multitude of sins covered for ever." (Synod Sermon, p. 30.) From this extract, it is clear that in 1819, Dr John Brown's views in regard to the true method by which to cure the overwhelming depravity of large towns, were nearly the same with those set forth in this treatise. Since then, his views, and those of the leaders of the Dissenters in Scotland, have been entirely changed. Whilst they desire to conceal and soften, and even deny the more appalling features of the existing destitution, they seem to think that ordained ministers will not convert men so efficiently as "home missionaries," or the agents of "Christian influence societies." According to this idea, all men must pass through two processes in their way to heaven. They must be aroused and gathered into "receiving houses" by one class of men, and then they must be draughted off into churches, and trained up for heaven by another class. The general stamp of Christianity must be put upon them by ruder hands, and more ill-paid or even unpaid agents, and only then the special stamp of some party-coloured sect must be put upon them, by one who "lives on Christian godliness, planted and watered in the hearts of his people," for such men cannot afford to spend their time amongst the poor and careless. All men, we say, must pass through this process, for every man by nature is opposed to Christianity, whether he be rich or poor; and as a new crop of heathenism is continually springing up, Christianity must be grafted upon it before any part of it will overleap the golden and silver barrier which guards the door of the meeting-house. We have heard no attempt to answer the fact, that Scripture affords no authority for such distinctions, and that the apostles did not disdain to go about converting even the poorest, nor wait till men were converted, before they suffered them to enjoy the privilege of their ministrations. Besides, many nice questions of casuistry would arise, in regard to the time when these men were ready to be carried from the "receiving houses," which are free to all, to the churches which are taxed, and, ex-

clusive; when they were precisely brought up to the point at which they might with safety have their money taken from them. One can *fancy* the Secession, Relief, and Independent ministers, with the Popish priests, coming in in eager curiosity to see in what state the converts are, and, perhaps, to examine the fleece, as the shepherd does when he has gathered his unconscious sheep into a fold; at all events, by some process, to ascertain whether that fleece is now ready for shearing, and to settle what peculiar hue and tinge is now to be given to the general ground-work of Christianity, which, and which only, the missionary, on pain of immediate dismissal, is commanded to impart. So absurd and self-contradictory is error. But if the present action against the magistrates of Edinburgh is successful, of which I have no doubt, the very object here pointed out will be secured, the Gospel will be preached to the poorest without money, and the Church of Scotland will stand forth in the metropolis a great home missionary enterprise, the best inheritance of the poor man and his children.

Having thus, as we think, sufficiently established the necessity of aiming at the utter extirpation of seat rents, from considerations derived from the nature of the case, let us now turn for one instant to *experience*, and we shall find it universally speaking the same language.

I. We have, on the one hand, the whole Church of Scotland in her better days, when seat rents were almost unknown, working out a high state of moral reformation. We have the same Church of Scotland still in the country districts, where there are no seat rents, securing a high average attendance on the House of God, and comparatively a very high standard of morality amongst the people. We have, on the other hand, not only no evidence of the possibility of reclaiming a population by means of taxed churches, however light the tax may be, but we have both in our cities at home, in churches within and without the Establishment, and in other lands, where seat rents prevail, the melancholy spectacle of the poor and the careless, not only neglected, but their heathenism increasing with frightful rapidity, and menacing the very existence of civilised society. It is a most striking fact, not only that there are in Edinburgh nearly 50,000 persons, and in Glasgow 65,000, who never attend public worship, but that these are *all of the poorer classes, chiefly of the very lowest.* Now, in the country parishes, the very poorest, the very beggars, are found in the House of God, and are sometimes most regular attenders. As common people heard the Gospel of old gladly, so do they still,

where there are no seat rents. And why is it otherwise in cities, but that attendance on the house of prayer has been subjected exclusively to a pecuniary test, and because the poor have thus, as it were, been visibly branded for exclusion?

II. Any one who has been in England is aware, that the churches there are often thronged with the common people in their smock frocks, and that even in the midst of crowded cities. I have seen this repeatedly, even in London itself. And this is one main reason why, notwithstanding its great and admitted corruptions, the Church of England has a most powerful hold over many of the poorest people of the country.

III. The whole experience of ministers in Edinburgh, Glasgow, and elsewhere, who have ever had any thing approaching to free churches, is loudly in favour of our plan. In Edinburgh, there is only one small portion of any church free, viz., a portion of Lady Yester's; and in regard to that portion Dr Lee writes as follows:—"I may state, that one considerable portion of the gallery is the property of the Marquis of Tweeddale, whose ancestors furnished the means of building the church. His Lordship does not prevent any one from occupying them; and *these free seats I uniformly observed to be particularly well filled, and, for the most part, by the same people.*" * In the same pamphlet by Dr Chalmers, ample evidence is afforded, in the testimony of the Clergy of Edinburgh, of the striking effect produced by raising and lowering the prices of the seats. Nothing, indeed, can be more ludicrous, than the attempt made by those who advocate "*the privilege of paying*" to prove, that the people of Scotland do not like free or even cheap seats. How is a proposition so repugnant to common sense, so scouted by universal experience, attempted to be maintained? Why, by proving that the people will rather pay for a good seat, than sit behind pillars, where they cannot see. The only way to test the theory is, to give the people as good seats in the church of an equally popular minister for nothing, and then see if they will insist on the privilege of paying in preference. The thing is not to be mentioned for an instant; and as soon as Mr Guthrie opens his free church in the Cowgate, such preposterous assertions will for ever cease.

But what is conclusive on this point is the experience of the ministers of the new churches. These churches were tried at first on the plan of having a small seat rent. Of course, the

* "The Evils which the Established Church," &c.—Anderson, North Bridge.

endowment asked from Government was only a partial one. But as these ministers are forced into contact with the poor and careless, every year is making more clear the truth, that pecuniary demands at all are an insuperable obstacle to their success, and that nothing will do but a *full endowment* for the minister, and *seats entirely free* to all parishioners. This will be clear from the following extract from the Church Extension Report for 1838, p. 40:—"Low though the seat rents uniformly are, yet, with *nearly one voice*, the ministers of the new churches declare, that they are *a very serious obstacle* in the way of their carrying on the work of the Christianization of their parishes. One half of the sittings in all the new churches are let at rates not exceeding the average of three shillings each annually, and in the great majority of cases, the rates fall greatly below this; so much so, indeed, that the annual rental of the smaller churches in remote country districts, does *not exceed £30, or even £25 each.* Yet there is a poverty, to which *even this small payment is* AN INTOLERABLE BURDEN." Letters will be found from many of the new ministers in that report, strongly bearing out this general statement; and I trust that the result will be, to make the Church of Scotland sweep her sanctuaries free from merchandise altogether, and falling back on the ground occupied by our ancestors—nay, by the apostles themselves, in both cases in the midst of poverty,—that she will determine to work out her noble parochial system only on such principles as will, out and out, stand every test which Scripture, Reason, or Experience, can apply. If we held up together the two simple elements of an endowed clergy and an absolutely free and unfettered Gospel, instead of mixing the two together, I am confident the common people of Scotland would far sooner understand who were their friends, and, in spite of every difficulty, would bear our cause forward on their shoulders to a triumphant conclusion.

IV. We regard the following statements, from the Report of the Royal Commissioners in regard to Glasgow, as of vast importance, because made by men hostile to the cause of Church Extension, but whose evidence clearly proves that an untaxed Gospel can alone reach the masses of our manufacturing towns.

Mr Robert Kettle, secretary to the city mission of Glasgow, being asked in regard to the reasons why the people did not attend public worship, referred to the want of clothes, &c. But the question being put expressly, "Is poverty a bar with them, to prevent church accommodation?" he answers, "In the meantime *it is.*" But the most important admissions were made by

"Mr John Tait,* and other members of a deputation from a public meeting of the working classes," p. 696. Mr Tait says, for example, "*As long as there is no distinction drawn, they will take as cheap and convenient a sitting as they can get.*" Of course it is natural to infer that they would be delighted to get a good sitting for nothing. This is, indeed, the language of common sense and universal experience. He says again, "The poor are *not able to pay* for sittings, *which I acknowledge.*" Again, this gentleman makes a most sound statement, in regard to having cheap seats *for the poor*, whilst the rich are still made to pay for theirs, when he says, "It associates the *idea of poverty* with this change, and *this makes the difference.*" Again, said he, "I have found that the poor are Churchmen from *convenience*, but are Voluntary in principle;" a very strange assertion, as it seems, after all, to admit that an Established Church, where its benefits are really enjoyed, is *more convenient for the poor*,—which is the very stronghold of our argument. That this, indeed, was Mr Tait's opinion, is clear from what follows: "*Q.* Is the meaning of that statement that all the poorer classes would be Dissenters, but for convenience?—*A.* Generally they would. They argue on this ground, that as the country does support the Establishment, and endows them, that they may as well *take the advantage of that accommodation which already exists than support a Dissenter, whose general creed is the same as that of the Church of Scotland.*" Most true and admirable admission! It not only proves that it is an "advantage" to the poor to have an untaxed Gospel, but that if there really was such a Gospel in Glasgow, the working classes would not burden themselves with the "support of a Dissenter, whose general creed is the same;" and that, above all, the true reason (and this we believe to be an undoubted fact) why many of the artisans of Glasgow attend meeting-houses, is simply that Christianity is *cheaper in them*, and that the magistrates, by demanding such exorbitant rents, have interdicted the working classes from being Churchmen.

So much for the admissions of this intelligent leader of the working classes, and representative of the public meeting, on the Green of Glasgow, against endowments. A little more information and philosophy would have made him, with the same sensible views, a most powerful defender of these endowments. The admissions of the other delegates are nearly as important. Mr Thomson says, "I know of many of them (the working classes) that are *prevented from taking sittings from the poverty of their circumstances.*" Again, "Some take

* Mr Tait was afterwards editor of the Liberator newspaper.

only one (sitting) who might be perhaps *the better of another, if money were plenty.*" Mr Pettigrew is asked whether he knows "that many weavers attend any place of worship in Glasgow, *receiving gratis sittings?*"—He answers, "Occasionally money is furnished to them to pay for sittings, or they are given *such sittings without any person knowing of it.*" The plain English of this seems to be, that these persons are allowed to smuggle into the House of God. How unlike the glorious freeness of the Gospel invitation! "Of all illicit things," says an eloquent writer, "there is none which appears to us more incongruous or unseemly than an illicit attendance at church." And surely it would be far better for the poor man to have his family pew, which, without payment, he could call his own, than submit to such moral and, we believe, unscriptural degradation. Again, "Did you ever hear the operative classes *object to any reduction* in seat rents?—*A.* I have not heard any statement of that kind, *never having heard any such proposal made.*" Here is at once an explanation of the whole matter. The man has been kept in profound ignorance of the true plans of the Church Extensionists; and the only doctrine upon which he has heard lectures, has been "the privilege of paying." But when the true light breaks in upon these artisans of our cities, they will soon know who their true friends are, and will, to a man, as our poor men in the country do, flock to the untaxed churches of the Establishment.

We solicit now the attention of our readers to certain natural OBJECTIONS to this plan, of having seats every where entirely free in town or country.

I. It is alleged that confusion would spring out of such a system, and we are asked how we would arrange the seats? We answer, that the seats could easily be allocated as in country parishes, the pews in the church being *attached inseparably to the houses* within the parish. So that just as in the country districts, a man may pass from farm to farm, and from parish to parish, but can never be any where without having a seat waiting for him in the House of God, so a man might pass from street to street in towns, but he could enter no house connected with which there was not a family pew. So far from any confusion arising from this, there is no other remedy for the confusion which now prevails, nor any other way by which to revive the parochial system, but by giving the ministers proper parochial influence, and enabling them to go to every careless family, and say, "Why were ye absent from the House of God? Your pew was there, but it stood empty. We seek only to promote your spiritual interests, we seek '*not yours, but you.*'"

II. It has been alleged that our plan would make paupers of the whole community, and that men value most that for which they pay something; nay, that it is necessary to pay, in order to have a feeling of property. All these ideas may be traced to limited views of this subject, and to the artificial state of things which has so long existed in towns.

1. So far from receiving their seats as paupers, the people would receive them as an inalienable right to which every Scotchman would be born. At present, the dukes and nobles of the land sit in the country parish churches in free seats, on the very same terms with the poorest of the people, and no one ever heard of this as a degradation, nay, every one rejoices in it as a most glorious arrangement. Why should it not be as good an arrangement in towns? 2. It is not true that we value nothing for which we do not pay. We value the air and water although we pay for neither, and if the window-tax were removed, we would not value the light the less. Nay, if any one, for the purpose of making us value the air of heaven more, should go about to tax it, we should at once resist such an imposition. Now, we contend that the Gospel should also circulate as freely and universally in the land; and we maintain, that where the opposite plan has prevailed, the mass of the people have lapsed back into heathenism. In fact, this is the whole burden of the Establishment argument. The striking remark of the old Highlander, when asked how he liked Glasgow, will illustrate the artificial nature of the objection to which we are now replying. "There are twa things in Glasgow," said the old veteran, thinking of the scenes of his native glens, "that are eneuch to bring down a judgment of God on the town, and these are *selling water and the Gospel.*" 3. Paying is by no means necessary to constitute a feeling of possession. A ticket of pasteboard is as good for this purpose as a coin of gold or silver; and the plan adopted in our Gilmerton Church, where every man's name is nailed upon his pew, might be universally adopted. Indeed, the seat in church belonging to a particular house, would soon be as well known in towns as farm seats are known in the country parishes. But,

III. Some will say, must we then all attend our own parish churches under this new arrangement? In answer to this, all the length we could go would be merely to give an exclusive preference to parishioners in their own parish churches, and make the ministers visit them, and them only. We would also confine the election of the minister to persons connected with the parish. The result of this would infallibly be in a few years, not only to bring thousands back to the Established

Church, who would never have left it had they received justice—to break up many moral wastes, but, what we think would be of much importance, to cure a *spiritual sensualism* which reigns in many of our cities, and induces many to go to Church, not to worship, but to *be pleased*, and to gad about continually from church to church after every new minister that arrives. They say it is hard to go to one's own Church. Sometimes it is; but it is far harder that they should have the power of turning the poor out of every one of their own churches.

IV. But it is said, What shall we do if the church cannot contain all the parishioners? *Ans.* Build as many more as are necessary, that there may be seats for all; or, if the Presbyterian Dissenters, whose views are sound, will join the Church, which is their true wisdom, let their places of worship become new parish churches,—let them all be endowed, and let all the parishes be broken up, and divided anew into manageable sections, that all the people may have free seats. If the theory maintained in this treatise were adopted, the cause of Church Extension would receive an immediate and mighty impulse.

V. "We only let," say some parish ministers, "a few seats, and put the money into the poor's fund, or pay a preacher with it; and surely there can be no evil in that?" The answer to this is simply, that so far is this from being right, all the evil of this nature that has existed in Scotland, sprang up at first under some such pretence. All evils come into the world, as Satan did, in disguise, and only throw off the cloak when they have reached a state of vigour, and are able to defy resistance. The minister and kirk-session begin the plan, but heritors and tenants follow the example; the rents are gradually raised, till at length the poor are entirely excluded, and thus upon pretence of supplying their temporal or even spiritual wants, you are actually laying the foundation of a system, which will, in the long run, deprive them and their children of the bread of life. Nay, you double the evil which you pretend to cure, for neglect of divine ordinances, especially amongst the poor, is the fruitful parent of crime, poverty, and every physical evil. Whatever be the pretence, resist, in every form, the very beginnings of evil. Crush the serpent's eggs, however fair they look.

VI. But is it not the duty of all Christians to pay for the support of the Gospel? Most undoubtedly it is their duty to pay ten times as much for this purpose as they generally do. But not only will free seats put no obstacle in the way of their benevolence, it will set their whole funds entirely free to

be turned into whatever channel they may prefer, for helping on most effectually the cause of Christ. And the result of throwing free all the seats of our city churches, would be a vast accession to the funds of the General Assembly's Home and Foreign Missions.

Let us hear, then, the conclusion of the whole matter. As ministers of the everlasting Gospel, it is our highest duty to break down every obstacle in the way of its universal diffusion, that it may every where "have free course, and run and be glorified." As the dew of heaven falls equally on the fields of rich and poor,—as the light of heaven presses for admittance into the windows of the humblest cottage, as well as into the palaces of kings,—as the mighty sea disdains not to bear on its bosom the meanest bark of the poor fisherman as well as the proudest and most gallant ship,—and as the earth and ocean give forth their exhaustless stores of human food to fill with plenty the habitations of honest industry, as well as the halls of greatness, so the Gospel was designed equally to enlighten, comfort, sanctify, and carry to heaven, the poorest beggar and the prince of a thousand provinces. We are not straitened here by God any more than we are in the boundless exuberance of nature, for "with Him there is no respect of persons." We ourselves have daringly built up the walls of partition over which the poor cannot and the careless will not climb, and Scripture, Law, Reason, and Experience, and even a regard to our own spiritual interests, all cry out with one voice that these walls should be torn down.

Suppose that when the water which is brought by such labour and glorious art from the neighbouring mountains, and scattered through all the city of Edinburgh, mounting to the highest attic, descending to the lowest cellar, nay, flowing freely in the very streets, had been so provided that every man in the city had been born to the privilege of having an ample supply brought to his dwelling without price, that an abundant provision had been made for keeping the reservoir and pipes in all ages in repair, and amply paying for all the officers of such an institution,—suppose that while the inhabitants were rejoicing in such a glorious arrangement, the magistrates in an hour of need, securing the aid of some of the more powerful citizens, and holding out some fair pretence, put padlocks on all the wells, arrested the free supply, and stationed surly men to demand money for every drop of water, and rudely to drive the people away who came not with a price in their hands to bribe these unrighteous stewards of their own blessings,—suppose that this tyranny had been continued for years, and even increased towards the rich in spite of every remonstrance, the poor meanwhile every where dying around them, "crying for

water and there was none, and their tongues failing them for thirst," would it be wonderful if such a compound of cruelty and injustice, not only blinded the poor to the wisdom and benevolence of their ancestors in providing for them blessings which now they never receive, but should raise a rebellion in the city, and make the voice of the execrations of dying men rend the heavens? Appalling, however, as such cruelty would be, it can only furnish a faint emblem of the cruelty which has actually been practised in Edinburgh and in many other districts of Scotland, in regard to the water of life. Your ancestors wisely provided that the water of life should be freely conveyed to every dwelling in Scotland, and that it should flow in Edinburgh into every dwelling-place, from *eighteen living fountainheads*, that the very poorest and most careless in the city might drink and live for ever. They made provision not only for the perpetual existence of this machinery, but that the officers of the institution, besides freely giving forth water at the wells, should go from door to door with the healing stream, and be found in all the chambers of sickness and death. And what have the rulers of the city done? Have they not in an hour of need arrested the free flowing of the water of life, by locking all the city wells, have they not stationed surly doorkeepers, that even those that come may not receive a drop, unless they bring gold and silver in their hands? And what crowns the whole enormity is this, that some of those who should have stood in the gap, instead of crying out against these disgraceful and unholy doings, have looked on in placid indifference at all this iniquity, and whilst thousands of the poor were perishing, simply because they were robbed of their own birth-right inheritance, they have only expressed their vacant wonder at the complaints of the people, and at the few who were endeavouring to secure the people's rights. But we now hail with delight the dawn of a brighter and more glorious day, during which perpetual war shall be waged, and carried round the whole bounds of the Establishment, against these daring and unscriptural usurpations, till the whole evil is swept away, and that "holy and beautiful house in which our fathers worshipped," stands up again in all her glorious proportions, "the fairest of all the daughters of the Reformation,"—her gates open continually, like the arms of Jesus, to welcome outcast sinners, and the voice of merchants and traffickers destined to be heard in her no more at all for ever.

# APPENDIX.

## ANCIENT PROCEEDINGS OF KIRK-SESSIONS IN THE ALLOCATION OF SEATS IN THE CHURCH.*

### Extracts from Liberton Session Record.

"*April* 26, 1640.—The foresaid day, the Right Worshipful Sir John Wauchope of Niddry Marshal, Knight, desired liberty of the kirk-session to build a seat for himself and his family in the foreface of the east loft, to which they willingly condescended, providing always that the said seat should be no ways prejudicial to the lights of the kirk or seats already builded." The following extract will prove how jealously this power was watched over:—

"*May* 10, 1640.—The foresaid day, the minister and session considering *the power due to them, ordains, (lest the same should be weakened or infringed,)* that they who should crave in time coming, a seat for them or theirs, declare first to the minister and session the place, form, and bigness thereof, and then expect their answer, that if it please them to grant the desire, they may cause their own clerk to draw the act thereof."

"*May* 2, 1641.—The which day, the minister, gentlemen, and whole session of the parish of Liberton, having taken to their consideration the earnest and just desire of Edward Edgar of Peffermiln, for a seat to himself and his family; and therefore, all of them willing to satisfy the said Edward Edgar his desire, granted, and by these presents, grants liberty and license to him to build a seat for himself and his family, conform to his said desire;"—(here follows a description of the situation, and certain conditions, the last of which is that the seat should not come "farther than the foreface of the *reader's* seat,") "and by these presents, declares the said room and seat to be builded, as said is, to belong and pertain to the said Edward Edgar, his heirs and successors whatsoever, in all time coming."

"The foresaid day, Mr William Little of Over-Liberton, earnestly desired the session to grant him liberty to build a seat for himself and his family," &c. * * *

* It would be well if presbyteries would examine in what state the *old* records of parishes are. It is of no use to keep the *current records* in proper order, if they allow, as some of them do, the old records to be destroyed. The cure of this evil would be one good result of the restoration of presbyterial visitations. We have had the records of Liberton, which go back to 1639, handsomely bound anew, and placed in a record chest. This was done in imitation of the Presbytery records of Dalkeith.

"The said day, Mr William Little simply resigned to and in favours of the minister, gentlemen, and session, his other seat, (assured he could not *brook* it,) builded at the east end of the kirk, upon the south side thereof, beneath the loft, to be disposed upon by them at their pleasure, in all time coming."

"James Somerville of Drum," receives permission to erect a seat, "with special provision that the same be tied and bound only *to the back seat with iron cleeks*, whereby the same may be the more conveniently removed, whensoever and how oft the sacrament of the Lord's Supper shall be administered," &c.

"*September* 19, 1641.—The which day, the minister, gentlemen, and session, considering Mr William Little,—*in the minister's absence, had brought a seat over the kirk-yard wall, made open the kirk doors, and set up the said seat, without their knowledge, in the kirk, —were highly offended at so insolent a fact.* But the said Mr William *coming to himself*, acknowledged the same, and simply submitted himself to the minister, gentlemen, and session, to determine therein as they shall think fit and expedient; which they took to consideration."

"*October* 31, 1641.—The session ordains the minister and gentlemen to meet the morn at ten hours, about Mr William Little his submission."

"*November* 1.—The which day, the minister and gentlemen having met at the kirk, according to appointment, and finding that the kirk was prejudiced in its lights by Mr William Little his seat, ordains him to remove the whole *decorements* from the head of his seat, by which the said kirk was prejudiced in its lights, and otherwise to raise the head and cover thereof above the window, and likewise to cut the same in the length, so that the east end thereof come no farther than the outside of the east *jamme* of the south aisle; and that betwixt and the next Lord's Day."

"*November* 7.—The which day, the session taking to consideration that Mr William Little had not obeyed their former ordinance, ordains him anew to cut his said seat, conform to the said ordinance, and to remove the cover altogether from the same, betwixt and this day eight days; with certification, that, if he fails, *they will declare and ordain the said seat and room no ways to pertain or belong to him.*"

There are many similar insertions on the same subject.

### Records of Perth.

"*November* 12, 1638.—Which day, after Mr Patrick Rynd, minister at Dron, had given in a complaint against Janet Arnot, relict of Mr Alexander Christie, for troubling his wife in her seat in the kirk on the Sabbath, the 4th day of November; the session thought it most expedient that the said Mr Patrick should not insist against her, but ordained, byegones being overpast, that the said Janet Arnot, nor any other, should trouble the said Mr Patrick's wife in her seat in time coming."

Records of Kirkwall.

"*March* 13, 1631.—Which day, James Baikie of Tankerness having sought license of the session for as much room to build a seat for his wife before his own seat, ordains three or four of the elders to take a view of the place, and try if it might be conveniently done, without offence or stop to the service of the communion, or stay to the entry and passage to the table or pulpit."

"*July* 10, 1631.—It is granted that the scholars shall have a seat *bigged* for them at the west end of the *quire*, where the pillar of repentance stands."

"*April* 22, 1649.—The session, conform to a prior ordinance of the visitors of this kirk, ordains the seat which was lately set up in the Stewart aisle, without the advice and consent of the session, to be removed, and the place declared void, aye and until order be taken therewith by the said session."

*November* 3, 1742,—(a very recent period.) A petition was given in, by one Alexander Baikie, which was considered, "anent the seat *sold* by the session of Kirkwall; and having found, that though Peter Cragie could prove his ancestors' possession of this seat, yet, as he does not show any right from the session *in writing*, are of opinion, that sole possession will not make out a legal title; and, therefore, Mr Baikie's title is good, and recommend it to the session accordingly."

Records of Newton Parish.

"*May* 13, 1638.—The which day, Mr David Anderson of Hill gave in his supplication to the session of the said kirk, desiring that his seat in the said kirk might be repaired; as also, because of the number of his family, might be enlarged. The which supplication being heard, the gentlemen heritors, with the elders and deacons, presently convened,—the said gentlemen, with the consent of the minister, ordained the said Mr David to build his seat in length from the face of the Sheriff-hall aisle, to the west end of the *gudeman* of Woolmet his seat, and in breadth, as the old seat is now."

Records of the Kirk-Session of Dunfermline.

"5*th Jan.* 1641.—That day, because sundry were petitioning for umqle. Thomas Reid's seat, ordains the same to be given to them who shall give most for it to the poor: Whereon, Thomas Stanhouse desiring to have it, refers himself to the session's will; and Peter Law, Mr James Reddie, and John Wright, are ordained to *sight* the seat, and put it to the most value, and to report the same to the session."

"26*th Jan.* 1641.—That day, ordains to give an act to Thomas Stanhouse of that seat behind the guild seat, last pertaining to umqle. Thomas Reid; and the said Thomas paid for his right thereof three

dollars, which were given to Robert Reid's wife," (*i. e.*, the wife of the former possessor.)

" 19*th Sept.* 1641.—That day, Alexander Drysdale, merchant, desired a seat in the kirk for his daughter to hear God's Word, and therefore is licensed by the session to cause make a new form, to be set before the pulpit, (where the brides and bridegrooms, the day that they are married, uses to sit,) to be possessed by the said Alexander his daughter in all time coming, and this to be acted," &c.

" 26*th Feb.* 1643.—That day, compeared Robert Baxter, tailor, and desired the elders' approbation of that little chair in the kirk, situated on the east side of the Lady Cavill's seat, and that seat pertaining to William Wellwood's wife, of Touch, on the south, and having James Ritchie's wife's seat on the east, which seat is presently possessed by Bessie Anderson, spouse to the said Robert Baxter; and the elders ratifies the license granted to her thereof before, and ordains the said seat to be possessed by her in all time coming, for the which the said Robert gave 12s. to the poor."

" Same day, compeared James Ritchie in Blacklaw, and desired that little chair or stool, situated contiguous, at the east side of the said seat pertaining to Bessie Anderson, spouse to Robert Baxter, tailor, to be ratified in favour of Margaret Dewar, his spouse, which was granted, and for which he gave 18s. to the poor."

" 16*th April* 1643.—That day, the session ordains James Reid, provost, Alexander Drysdale, and Patrick Trumble, bailies, and William Walker, dean of guild, with some of the oldest sessioners, to visit that seat situated before the minister's wife's seat, which John Walker claims to pertain to Margaret Trumble, his wife, through Margaret Sands, her mother, and which Euphan Aitken does claim to pertain to her through Elspit Murray, her mother; and to report their diligence and judgment thereon to the session, that they may decide thereon according to equity."

" *The last of April* 1643.—That day, anent the visitation of that seat in the kirk which Margaret Trumble, spouse to John Walker, and Euphan Aitken, does claim: It was reported by the visitors appointed for the same, that none of the said parties had any right thereto but through long possession, and seeing the said Euphan had gone out of the country, *her part of the seat was fallen into the session's hands, to dispose thereof as they please;* which half of the said seat possessed by Euphan Aitken, Peter Walker earnestly desired to Euphan Ged, his wife, which was granted, on condition that she sit in it herself; and the said Peter paid 6s. to the poor."

" 11*th June* 1643.—That day, Andrew Purvis and William Smart paid four merks for the liberty of their wives' seats in the kirk, which is a new form, with a back, standing south and north, on the west side of the pulpit."

" 2*d June* 1644.—That day, William Walker in the Netherton, desired a seat in the kirk to his wife, Marjory Brown, to be set at the end of that form wherein Janet Flockhart, spouse to Andrew Thomson, the bellman, does sit, at the back of the Laird of Pitten-

crieff's seat, which was granted to him by the elders of the kirk-session, wherefore the said William gave for the poor 12s. money Scots."

The author of this pamphlet has beside him many such extracts, all illustrating the authority by which the areas of churches were of old appropriated, and the manner in which these appropriations were changed, so as to meet the constant shiftings of the population. The same plan was adopted both during the times of Episcopacy and Presbytery; and the only variety that occurs, consists in this, that sometimes only ecclesiastical persons were present,—sometimes the heritors acted with the session,—sometimes those that received peculiar seats, apart from the area, which was still common, were called upon to give a donation to the poor,—sometimes not. The records all seem to intimate that the seats were given *only to parishioners*, and were resumed by the session whenever one left the parish, or had no resident heirs.

But what proves the whole arrangement to have been an ecclesiastical one, and within the power of the Church, (which is a point of great importance) is, that in all cases of dispute, the appeal was taken to the Presbytery, and from that to the Synod. Analagous to this, is still the case of the churches in England, where the appeal is from the churchwardens to the bishop, who is instead of the presbytery. In a letter which the author received from the present Bishop of Lincoln, dated January 18, 1838,—it is not only stated that "the ecclesiastical courts have always pronounced the practice of letting or selling seats in ancient churches illegal," but that their appropriation is managed in England still by "the churchwardens, in whom the power is vested, *subject to the control of the bishop*." Even so, when any disputes about seats arose, they were settled in Scotland by the Presbyteries, or, if necessary, by the Synod. The Presbytery of Edinburgh came out to Liberton to settle such a dispute, a good many years after the Revolution. The following extracts will illustrate the ancient mode of procedure:—

## PROCEEDINGS OF THE PRESBYTERY IN REGARD TO SEATS IN THE CHURCHES.

Presbytery of Dalkeith.—"*June* 25, 1640.—Visitation of the kirk of Borthwick. *Inter alia*, Mr Alexander Hay, in name of my Lord Yester, did supplicate that a commodious place might be designed in the kirk to my Lord Yester his men. This was yielded unto, and returned to the ministers and elders to be designed."

"*August* 15, 1644.—Visitation of the Kirk of Borthwick. *Inter alia*, refers the designing of a seat for my Lord Yester to the session, providing they agree among themselves, otherwise *the same to return to the presbytery*."

The following extract proves, that Mr Oliver Colt of Inveresk, whose church extension vigour we had formerly occasion to extol, was no less vigorous in asserting the authority of his kirk-session over the

area of the church, and that, even in the face of the civil authorities, when acting illegally :—"*Dalkeith, April* 15, 1652.—The which day complained Mr Oliver Colt, minister of Musselburgh, being accompanied with commissioners from the session, of the laird of Smeaton, that he, *at his own hand*, without the consent of the session, had built a loft in the kirk of Inveresk. And the laird of Smeaton compeared, declaring he had appealed from the session unto the presbytery, because he alleged the session was a party, and would be partial. Also, the said day, complained Mr Oliver Colt of William Duncan, James Brown, Robert Strachan, and Richard Calderwood, (magistrates of Musselburgh,) who, contrary to the act of the presbytery, had set forward the breast of the common loft into the empty and void room, which is betwixt my Lady Dunfermline's seat and my Lord Lauderdale's."

" The brethren thinks fit, on this emergent, to meet at Musselburgh this day 15 days, and all parties that have interest to be summoned against the said day."

" *At Inveresk Kirk, April* 29, 1652.—The which day, Smeaton compeared, and being posed why, at his own hand, he had built a loft without the consent of the session of Musselburgh, and Mr Andrew Hamilton, who had special interest in that place of the kirk. He answered, What he did, it was by virtue of his right in the kirk, as having all the whole bounds of the floor beneath, he conceived he might, without prejudice, build a loft as far out above ; to which the moderator replied, *that it followed ill, that those who had liberty of a seat beneath, at their own hand might build a loft above, &c.* The said day, compeared Robert Strachan, James Brown, William Duncan, and Richard Calderwood, (the magistrates,) and being posed why, at their own hand, contrary to an act of the presbytery, they had brought forward the breast of the common loft, &c., answer, what they did, *it was by the example of Smeaton* ; and if he had not, at his own hand, built a loft in the kirk, they would never have thought upon any such thing. They all declared, *for what they had done they were heartily sorry, seeing it was offensive to the presbytery, and what censure soever they would put upon them, they would willingly undergo the same.* Also, the said day, compeared John Calderwood, James Smart, &c., commissioners from the session of Inveresk, and earnestly desired the brethren to take notice, * * * *if the like of that should now be slighted, there would be many such like things done, not in their kirk only, but in others also, and all ecclesiastical authority will be contemned.*"

" *August* 9, 1653.—Some of the inhabitants of Musselburgh being summoned to this day to receive their censure for setting up a seat in the kirk of Inveresk, contrary to the appointment of the presbytery, compeared, viz., James Brown, Robert Strachan, and Richard Calderwood, who professed that they were sorry for transgressing, of what was appointed by the presbytery for preserving peace between them and other gentlemen of the parish, and submitted themselves to what censure the presbytery would enjoin them. They being removed, and that fault considered by the brethren, it was agreed unto

*unanimously*, that *the moderator should rebuke them in the face of the presbytery, and exhort them in all time coming, to carry themselves respectfully to all church judicatories, more or less.*"

"*They being called, did compear, and receive the rebuke with all submission; professing they were heartily sorry for that fault, promising to give all obedience to their just acts in time coming.* The presbytery appoints the minister at Inveresk to cause warn William Duncan and John Brown, who are in the same fault, to compear before the presbytery the next day."

If the Presbytery of Edinburgh had only been as decided in 1639 with the magistrates of Edinburgh, the horrid system of seat rents there would have been crushed in the bud.

## PROCEEDINGS OF SYNODS IN REGARD TO SEATS IN THE CHURCHES.

Synod of Lothian and Tweeddale, *May* 1655.—"The Presbytery of Dalkeith having declared to the Synod that there was much debate before them anent the division of the seats of the Kirk of Borthwick betwixt Lord Borthwick and the rest of the heritors, did desire that the Synod would be pleased to appoint a committee to determine in that matter which the Synod thought reasonable; and therefore appointed, for a committee, Mr George Hutchison, James Hamilton, Hugh M'Kell, Robert Douglas, Robert Ker, Patrick Cook, James Fairley, Oliver Colt, and Robert Carson, ministers,—Mr William Hog, Sir William Nisbet of Dean, and William Rig of Carberry, ruling elders, or most part of them, to meet at the Kirk of Borthwick, the 21st of this instant May, and thereafter to appoint their own time and place of meeting, for settling the differences anent the said kirk."

*Dalkeith, May* 24, 1655.—"The said day there was an order, that came from the committee of Synod, desiring the extract of every thing that is both in the Presbytery book and minutes, concerning the Kirk of Borthwick. It was condescended to by the brethren; and Mr James Knox, their clerk, was ordained to go with them to Edinburgh, the first Tuesday of June, and produce them to the committee, which is to sit in the West Kirk."

*Synod, May* 1647.—"They find, by report of the *tryers* of the book, (the Presbytery Record of Dunbar,) that there are seats in the kirk disposed upon by private persons themselves, without consent of the session. The Presbytery cleared this to the Assembly, and gave them satisfaction therein."

These extracts will sufficiently illustrate the nature of the authority by which the areas of churches were divided in ancient times, before the poor were driven from the House of God, and the preaching of the Gospel made a mere matter of merchandise, by magistrates and others. The Church of Scotland, in addition to all her own intrinsic excellencies, had power, then, over the areas of her own churches. In this, however, she is now outstripped, and left in the distance, by the Church of England. Hence, the poor have been driven

from beneath her care; and multitudes of them have been turned into heathens, and, of course, foes. Long she struggled to retain this power. Forbes, in his Treatise on Church Lands and Tithes, lays it down as a fixed principle of law, even after the Revolution, that some of the seats in a church are appropriated to the heritors, and that others are "built and repaired at the general charge of the parish,—*in which all have a common interest. But they may be disposed of by the kirk-session in favour of parishioners, according to their ranks and qualities.*" (Forbes, p. 210.) But gradually the Church succumbed; and about the middle of the last century, when she fell into a state of comparative inactivity, she suffered this power to be wrested from her hands. It is curious by what a slow but certain process the Church of Scotland has been crippled, and reduced to her present state:—1*st*, The act of 1707, c. 9, arrested the progress of parochial subdivision, and was the cause of the enormous parishes which we are now labouring to divide. This act affected *the quantity* of spiritual instruction. 2*d*, The act of Queen Anne (1711), restoring patronage, tended directly to affect *the quality* even of the clergy that were, and thus still farther to increase the evil. 3*d*, By cruelly driving out the Seceders, and the founders of the Relief, about 1732 and 1750, the way was paved for the formation of a vast hostile body of Dissenters. 4*th*, All power being taken away from the kirk-sessions, by the civil courts, over the areas of churches, the poor and the feuars were driven out, the one class to heathenism, and the other class to the Dissenters. 5*th*, This evil was increased by the infatuated refusal of the Church to allow the erection of Chapels of Ease, which forced the people to be Seceders whether they would or not, and drove into their ranks many of our best friends. 6*th*, The insanity of thrusting ministers upon reclaiming congregations obviously increased all these evils. 7*th*, Deacons were given up, and elders degraded, and in many parishes extinguished; so that, to any man who knows any thing of history, it is truly wonderful, and a proof that God has some blessing in store for our Church and Nation, that the Church of Scotland is not only in existence, but is now coming forth in surprising glory again, renewing her youth like the eagle. The men who professed to be steering her, were, with ridiculous pretences to *moderation* and prudence, madly driving the noble vessel upon the rocks; and now that other, wiser, and more zealous men have seized the helm, they must just work her back into a region of safety by the very windings to which we have referred. They must undo the evils of the last century and a-half; and, above all things, secure a free, powerful, acceptable and universal proclamation of the Gospel,—and, by restoring the elders and deacons, the exercise of a firm, wise, impartial, and affectionate discipline.

# NOTE TO THE SECOND EDITION.

The rapid sale of the first edition of this pamphlet, the total and instructive silence of all adversaries, the remarks of the public press, and, above all, the essential propriety of the thing itself, and the decided opinions of the men of greatest weight and influence in the Church of Scotland, convince the author, that all merchandise will soon be swept out from the areas of our churches, either by a decision of the courts of law, or by an Act of Parliament. Even the *True Scotsman*, the organ of the *ultra* radicals, declares that he is "heartily and entirely" convinced, "that seat rents are not a scriptural mode of supporting the necessary expenses of the Church of Christ," and intimates, that the Voluntaries find it more convenient to "hedge about the outskirts of the pamphlet," than manfully to take up the argument which it contains. We rather think that a prize may be given to the man who can discover any mention of seat rents either in the Old or New Testament; and we are thoroughly convinced, that if the Church of Scotland could, in town as well as country parishes, hold forth to the people a free Gospel, discontent, and what has amusingly been called the "privilege of paying," would be swallowed up in universal admiration, for the more scriptural privilege of hearing the Word, and enjoying the sacraments of Christ "without money and without price." It is especially necessary that a great struggle should be made (and nothing more is necessary to accomplish the object) for the purpose of carrying the full blessings of our Establishment into all the centres and masses of our swelling population.

The following additional facts, strongly bear out all our assertions in regard to the illegality of seat rents, and the unauthorised usurpations of magistrates.

The following extract from "Kennedy's Annals of Aberdeen, vol. ii., page 46," handed to me by Mr Doig of Torryburn, proves that, as elsewhere, there were originally neither seats nor seat rents in the Churches of that city: "When the Protestant religion had been completely established, the church and quire [of St Nicholas] were divested of their altars, stalls, and carved work; and nothing remained but the naked walls, and the columns of the nave. Those places of worship, however, [the Old and New, or West and East Churches, into which the fabric was afterwards divided,] had no resemblance, in the interior, to a modern church; the congregations, when assembled, *were not ac-*

*commodated with seats, unless they brought them along with them;* and the wives of burgesses, and of the more respectable citizens only, were indulged with permission to sit in the body of the Church during the time of sermon, in consequence of an act of council. The inconvenience of this, probably, was soon felt; and, therefore, the magistrates permitted the principal citizens to fit up, from time to time, *pews and desks, for the accommodation of their families; and the members of the several corporations, and other public bodies, were allowed, under the authority of special acts of the town-council, to construct galleries*, for a similar purpose, betwixt the columns of the nave, at their own expense; and this accordingly entitled them to the exclusive privilege * to the seats which were so fitted up, without paying any annual consideration on that account; *a practice which has been introduced in more modern times.* In the Old Church, the magistrates constructed a gallery for King James VI., who appears to have been a frequent attender of it, when he occasionally honoured the town with his visits. This was afterwards distinguished by the name of the king's seat."

The following extract, also furnished by Mr Doig, proves that seat rents were not imposed in the Churches of Aberdeen, till after the Revolution, or scarcely more than 120 years ago—that they were imposed illegally by the usurped authority of a burgh court; and what is curious, only in imitation of the baneful "custom of Edinburgh, and several other burghs."

Act of Head Court of the Burgh of Aberdeen, 18th January 1713:—

"It being represented that it was the custom of Edinburgh, and several other burghs, to farm the seats in their churches, which pays their ministers' stipends, and that it were *most convenient that the same were done in this place*, therefore the said head court agreed, and unanimously appointed that the haill seats and lofts in the New and Old Churches of Aberdeen (except the lofts possessed by the students of the college and the grammar school, and the seats possessed by the present magistrates,) *be farmed after Whitsunday next at reasonable rates;* and that the treasurer cause build all the new seats hereafter in the body of the church; and recommend to the magistrates and council to see this act put in execution, and to *nominate yearly persons to tax and farm the seats*, and to consider what ease or abatement is to be granted to those who have lately built seats on their own expenses; and appoint £200 Scots, of the farm of the said seats, yearly to be paid in to the masters of kirk-work for helping the edifice of the kirks, and the haill surplus of the said farm to be paid in to the treasurer yearly for helping to pay the ministers' stipends." I hope the excellent and able ministers of Aberdeen will immediately examine narrowly into this important matter, and stand forth, as they have often done before, in defence of the dearest rights of the people.

In regard to the city of Perth, it appears from the valuable Statistical Account drawn up by Dr Thomson, (No. xv., p. 107,) "That

* Council Register, vol. xxxvi., p. 336; vol. li., p. 540.

not only the *spiritualia*, but the *temporalia* of the Church of Perth, were at, and for a long time after 1569, entirely under the jurisdiction and management of the ministers and elders, in virtue of a charter of James VI., giving them, as Governors of the Hospital, and for purposes specified *inter alia*,—"Churches, burying-places, chapels," &c.

"The Parish Church (p. 110) of St John the Baptist," in other words, the fabric which now forms three churches, "was specially gifted in the charter to the Hospital, and for many *years the kirk-session exercised the uncontrolled administration of its concerns. They originated and appointed every alteration or repair that was made upon it, externally and internally. All the seats in it were erected by them, or by others with their permission.* And both its walls and its roof were repeatedly repaired by them." This property is now, it appears, in the hands of the town-council, although there never has "been a legal transference" of it. And it is most instructive to know, that the Governors of the Hospital have already wrested back from the same town-council, in virtue of their charters, 1*st*, £69 : 6 : 8d. a-year, with accumulations of payment for thirty-nine previous years! 2*d*, "The Blackfriars' and Charter House lands," the tenants being "ordained to pay their rents to the Hospital masters in all time coming," &c. It seems probable that, on the same ground, they will be found entitled to resume possession of the church as soon as they demand it, and that its areas may be thrown entirely open to the people of the several parishes. It is also of vast importance to know, that, by "Queen Anne's charter," a great amount of valuable property was made over to the city of Perth, as fully detailed in Mr Dewar's most excellent pamphlet, "for the support, maintenance, clothing, and pay of the ministers of the Holy Gospel." Besides, an amount of teind was saved to the city, worth, it is supposed, about £400 a-year. And above all, the city of Perth has been gaining all the collections made at the church doors, and other funds and advantages, by its connection with the Established Church. Nor is it unimportant to be known, that it was only after the Revolution that seat rents were first imposed in Perth, as is clear from the following extract from the Council Records: "*Jan.* 23, 1693.—The council, by plurality of votes, for the better accommodation of the burgesses' and other inhabitants' wives, have agreed and condescended that the body of the church, where the choir is, be all pewed, and the second minister's stipend for crop 1692, vacant, in their hands, and at their disposal, as patrons, by act of Parliament and act of their Majesties' privy-council, be made use of for that present use, so far as the same may extend in defraying the charges of building of the said pews; and after the same are built, to be rentaled and set out by the magistrates and council for the time, *and the yearly rent thereof to be applied for the maintenance of such poor within the said burgh, as the saids magistrates and council for the time shall judge most charitable to be bestowed*," &c.

Nothing, therefore, can be clearer, than that the seat rents are as grossly cruel and unjust in the ancient churches of Perth, as they are everywhere illegal in parish churches. We trust that the ministers

and elders, as masters of the Hospital, will, if they are legally entitled, resume the management of the areas of these three churches, and throw them open to the people, leaving the magistrates to pay their portion of the stipend of the ministers from the ecclesiastical funds *which have so long been accumulating in their hands.* There is no class of men in whose enlightened vigour, for the accomplishment of such a glorious object, more confidence may be placed than in that of the present ministers of Perth.

The same kinds of usurpation will be found in every city and town in Scotland. And it would be of vast importance if a multitude of overtures were sent to next Assembly, calling attention to this subject, and urging that Venerable Body to appoint the strong declaration of 1830 (see p. 38,) to be read from the pulpits of all landward parishes, as well as to aid every lawsuit by which the exactions of magistrates may be abated or extinguished; or, if necessary, to apply to Parliament for an effectual remedy. If these things are done, more interesting knowledge, in regard to endowments, will be conveyed to the people than by ten thousand abstract lectures. Not only so, "The Word of the Lord shall have free course, and run and be glorified; and the wilderness and the solitary place shall become glad, and the desert rejoice and blossom as the rose."

THE END.

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